

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEW MEXICO  
3           UNITED STATES OF AMERICA,  
4                   Plaintiff,  
5           vs.                   NO:   CR-15-4268 JB  
6           ANGEL DELEON, et al.,  
7                   Defendants.

8  
9           Transcript of Jury Trial before The Honorable  
10          James O. Browning, United States District Judge, Las  
11          Cruces, Dona Ana County, New Mexico, commencing on  
12          April 9, 2018.  
13          For the Plaintiff:   Ms. Maria Armijo, Mr. Randy  
14          Castellano, Mr. Matthew Beck

15          For the Trial 2 Defendants:   Mr. Brock Benjamin;  
16          Ms. Cori Harbour-Valdez; Mr. Patrick Burke; Mr. Jim  
17          Castle; Mr. Robert Cooper; Mr. James Lahann; Mr. Joe  
18          Shattuck; Mr. John Granberg; Mr. Billy Blackburn; Mr.  
19          Richard Sindel; Mr. Donovan Roberts; Ms. Lisa  
20          Torraco.

21  
22                   Jennifer Bean, FAPR, RDR, RMR, CCR  
23                   United States Court Reporter  
24                   Certified Realtime Reporter  
25                   333 Lomas, Northwest  
                  Albuquerque, NM 87102  
                  Phone:   (505) 348-2283  
                  Fax:     (505) 843-9492

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com

1 THE COURT: All right. Let's come to order  
2 here.

3 All right. The Court will call United  
4 States of America versus Angel DeLeon. Court will  
5 call Criminal Matter Number 14-54268 JB for trial.  
6 If the parties will enter their appearances for the  
7 United States.

8 MS. ARMIJO: Good morning, Your Honor.  
9 Maria Armijo, Matthew Beck, and Randy Castellano on  
10 behalf of the United States.

11 THE COURT: Good morning to you. And for  
12 defendant Joe Lawrence Gallegos?

13 MR. BENJAMIN: Good morning, Your Honor.  
14 Brock Benjamin and Mr. Sindel on behalf of Mr.  
15 Gallegos. Ready.

16 THE COURT: All right. Mr. Benjamin, Mr.  
17 Sindel, Mr. Gallegos, good morning to you.  
18 And for Edward Troup.

19 MS. HARBOUR-VALDEZ: Good morning, Your  
20 Honor. Cori Harbour-Valdez and Patrick Burke on  
21 behalf of Mr. Troup, and we're ready.

22 THE COURT: Ms. Harbour-Valdez, Mr. Burke,  
23 and Mr. Troup, good morning to you.

24 THE DEFENDANT: Good morning, Your Honor.

25 THE COURT: And for Defendant Billy Garcia?

1 MR. CASTLE: Good morning, Your Honor. Jim  
2 Castle and Bob Cooper in absentia. I'm joking. He's  
3 out in the hall. Ready to proceed.

4 THE COURT: All right. Mr. Castle,  
5 Mr. Garcia, good morning to you.

6 MR. GARCIA: Good morning.

7 THE COURT: And for Defendant Allen  
8 Patterson.

9 MR. LAHANN: Good morning. Jeff Lahann and  
10 Joe Shattuck on behalf of Mr. Patterson, who is  
11 present, and we're ready for trial.

12 THE COURT: Mr. Shattuck and Mr. Patterson,  
13 good morning to you.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: And for Defendant Christopher  
16 Chavez.

17 MR. GRANBERG: Good morning, Your Honor.  
18 John Granberg for Christopher Chavez. Mr. Ed Solis  
19 should be here momentarily.

20 THE COURT: Mr. Granberg, Mr. Chavez, good  
21 morning to you.

22 MR. CHAVEZ: Good morning, Your Honor.

23 THE COURT: And for Defendant Arturo  
24 Arnulfo Garcia.

25 MR. BLACKBURN: Good morning, Your Honor.

1 Billy Blackburn on behalf of Mr. Garcia, who dresses  
2 up nice in a suit --

3 THE COURT: All right.

4 MR. BLACKBURN: -- as opposed to me. Mr.  
5 Davidson will not be here today or tomorrow.

6 THE COURT: All right. Mr. Blackburn, good  
7 morning to you. Mr. Garcia, good morning to you.

8 MR. GARCIA: Good morning.

9 THE COURT: And for Defendant Andrew  
10 Gallegos.

11 MR. ROBERTS: Good morning, Your Honor.  
12 Donovan Roberts and Lisa Torracco for Mr. Andrew  
13 Gallegos.

14 THE COURT: All right. Mr. Roberts, Ms.  
15 Torracco, and Mr. Gallegos, good morning to you.

16 MR. GALLEGOS: Good morning.

17 THE COURT: Well, they all dress up nicely.  
18 Looking sharp over there.

19 A couple of things. I did get a joint  
20 statement and I just want to make sure the joint  
21 statement that was sent to me, everybody is in  
22 approval on it. I'm seeing nods from everybody, so  
23 that will be the statement that I'll read to see if  
24 everybody has heard of this case, knows anything  
25 about the case.

1 I sent you a jury instruction. Is the  
2 proposed preliminary jury instruction that the Court  
3 sent acceptable to everyone? I'm getting nods from  
4 defendants.

5 Okay. From the Government?

6 All right. So not hearing any objection,  
7 the proposed preliminary instruction will be the one  
8 that I need to use.

9 Okay. When we came in today, I think  
10 Ms. Wild and I are concerned a little bit about when  
11 the jurors come in, the way these tables are  
12 positioned, we just don't want to see the men's  
13 shackles. I think we'll be fine throughout the  
14 trial, but at least for jury selection, what I'm  
15 going to ask you to do is: Don't stand, okay? Keep  
16 your feet underneath the table. So it's a little  
17 different, get used to it, and why don't the counsel  
18 just stay seated, too, during voir dire so when the  
19 men and women come in at the back, they just don't  
20 have any chance.

21 We built up that little riser in the back,  
22 and I think some of you on the end have cooperated by  
23 putting some briefcases and things there, but I think  
24 if you'll just stay seated. I'm thinking about going  
25 ahead and standing for them, but that's normal for

1 me, because I'm looking at their sheet anyway.

2 And so the Government should stay seated,  
3 too. Okay? Y'all not stand. So counsel and the  
4 parties, just don't stand. I'll probably stand  
5 because I'm going to be looking at the sheet, and  
6 I'll just stand for them.

7 So, men, defendants, keep your feet under  
8 the table. Okay? It will be a little better when we  
9 get into trial, because we won't have people sitting  
10 behind you. The jury will be over here. For the  
11 next day or so, until we get the jury, keep your feet  
12 underneath that table.

13 So I'm going to come down here with  
14 Ms. Wild and we're going to do some double-checking  
15 here just to make sure.

16 (A discussion was held off the record.)

17 THE COURT: When the jury is leaving the  
18 room, stay seated. I know that's going to be a  
19 little hard for all of us. As you're being  
20 introduced, I think just stay seated, don't you?

21 Does that work for everybody? When I call  
22 upon you, lawyers, stand and you can introduce your  
23 clients. But defendants, gentlemen, you don't stand.  
24 Let your attorneys stand and they'll put their hand  
25 on your shoulder or something like that and introduce

1     you.

2                   (A discussion was held off the record.)

3           THE COURT: We've got a minute or two. Mr.  
4     Granberg, do you want to look?

5           MR. GRANBERG: I have a quick question.  
6     Say through the course of the proceedings we have an  
7     issue with the monitors with the real-time. What do  
8     you want us to do?

9           THE COURT: You know, I'm not going to tie  
10    you to your seats. If you need to come up and talk  
11    to Ms. Bevel or something like that, don't hesitate  
12    to do it. I think, Ms. Gilbert, in the past, you've  
13    done some of that; right?

14          MS. GILBERT: Correct.

15          THE COURT: So we all might talk, but  
16    you're not tied to your seats, so feel free to come  
17    and talk to Ms. Bevel, and we'll try to get it taken  
18    care of. Everybody comfortable? What do you think  
19    is not on the record? Their opportunity to maybe go  
20    back and look? So if anybody wants to take a look,  
21    go ahead, and this will be the time to do it, see if  
22    everybody is comfortable.

23          All right. Let me give you a few things  
24    about the jury venire that we're going to be looking  
25    at this morning. Jury services released three jurors

1 that were in the first group. So let me give you  
2 those names and numbers so you can get those pulled.  
3 Excused was John Mott, juror number 405, for age and  
4 relocation. He's group 1. So you want to flag him.

5 The next one is group 3, so not quite as  
6 important, at least here at the beginning. Robert  
7 Bunten, juror number 1629. He was released for age.  
8 And he is group 3.

9 And then Dale Curtis, 1361, for medical  
10 reasons, and he's in group 2.

11 So we had to begin to call some from group  
12 2 to make sure that we had enough here. So almost  
13 surely in the mix are going to be the following:  
14 Doreen Campbell. Doreen has a T-O. She's a  
15 four-name person, 1926.

16 Melissa Vasquez, 975. Nallely Bencomo,  
17 1041. Robert Patton, 1034. Hilario Ramos, 1062, and  
18 Patricia Bianco, 1070. We asked Rudy Navarro, 883,  
19 this morning, after leaving him a message last night,  
20 asking if he could --

21 THE CLERK: He showed up today, and asked  
22 to be excused. And I don't think we heard from him  
23 but he's here.

24 THE COURT: When you say we haven't heard,  
25 are you talking about from the parties?



1 MS. HARBOUR-VALDEZ: Your Honor, we filed a  
2 stipulation on Friday excusing Mr. Navarro.

3 THE COURT: And you agree with that, it was  
4 a stipulation on all sides?

5 MS. ARMIJO: Yes, Your Honor.

6 THE COURT: So he can just be told he's  
7 excused?

8 THE CLERK: If that's what they want.

9 THE COURT: Anybody need that information  
10 repeated? Mr. Cooper?

11 MR. COOPER: Robert Buntten? That was for  
12 age?

13 THE COURT: Age.

14 MR. COOPER: Your Honor, I don't believe  
15 that that's a statutory reason for an excusal.

16 THE COURT: I think it is 70. I think if  
17 they're over 70 and they want to be excused. If they  
18 don't ask, we don't ask them.

19 MR. COOPER: I'm getting close.

20 THE COURT: You're getting close? But I  
21 think if they're over 70 and they want to be excused,  
22 they can. But if they don't ask, we don't excuse  
23 them.

24 MR. COOPER: And the last name was  
25 Patricia --

1 THE COURT: The very last one that was  
2 added was Patricia Bianco, 1070.

3 Okay. On Mr. Mott, he did not check his  
4 message last night, so he did show up. So he is  
5 here. The only way he gets paid is if he goes  
6 through the process. So he's going to be in the mix.  
7 So that's where he stands. Anything else on the jury  
8 so far?

9 THE CLERK: Not so far.

10 THE COURT: I'm about number 45, 46,  
11 depending upon who gets here, so I'm not as deep as I  
12 would like. So at some point I kind of have to stop,  
13 because I just haven't -- that's the reason. I  
14 just -- there's just so much you can get done. So I  
15 think I'll be okay for a while, and if it goes into  
16 another evening, I'll get some more done, but that's  
17 as about as deep as I got.

18 MR. CASTELLANO: Can I address a couple of  
19 matters before we begin?

20 THE COURT: Go ahead, Mr. Castellano.

21 MR. CASTELLANO: If I may approach.

22 THE COURT: You may.

23 (The following proceedings were held at the  
24 bench.)

25 MR. CASTELLANO: The first thing, Your

1 Honor, I have to report that I ended up having dinner  
2 with one of the potential jurors last night. He's a  
3 friend of mine who last week contacted me, said he  
4 was going to be in town, and asked about meeting for  
5 dinner with my family and me. I didn't know he was  
6 going to be a juror, and then last night when we met  
7 for dinner, I asked him what he was doing in town.  
8 He said he was in town for jury duty, so I learned at  
9 that time that he was a prospective juror.

10 THE COURT: Who is that?

11 MR. CASTELLANO: Shawn Morales.

12 THE COURT: Do you know where he is in the  
13 mix?

14 MR. CASTELLANO: I don't know.

15 THE COURT: If he's reporting this morning?

16 MR. CASTELLANO: I believe he is reporting  
17 this morning. I was going to pay for his dinner and  
18 when I found out he was here for jury duty, I got  
19 separate checks. I let the parties know that we  
20 didn't discuss the case or his jury service or this  
21 case at all, but I wanted to let everybody know as  
22 far as I got. When we met he said, "How are you  
23 doing?"

24 "I'm doing well. I'm pretty busy. I'm  
25 starting an eight-week trial tomorrow."

1 He didn't say anything about it. Then when  
2 I asked what he was doing in town, he said that he  
3 was in town for this case, or for jury duty, and I  
4 told him obviously we couldn't discuss the matter.  
5 But I wanted to let everybody know that that was the  
6 situation.

7 So I did have dinner with him last night.  
8 We've been friends since eighth grade. We played  
9 five years of football together, so we had plenty of  
10 other things to talk about. So I just put that out  
11 there.

12 And then the other issue is a separate  
13 matter.

14 THE COURT: Why don't we hold up here? Any  
15 defendants want to do something about that? Let it  
16 go through the process? What's your --

17 MR. COOPER: Your Honor, I think he  
18 probably ought to be excused at this point in time.  
19 I think with that close of a relationship and  
20 especially on the eve of trial, I just don't believe  
21 that, no matter what he says, that he's able to be  
22 fair and impartial. And Mr. Castellano didn't do  
23 anything wrong. Mr. Morales maybe should have known.

24 THE COURT: All in agreement? In agreement  
25 on that?

1 MR. CASTELLANO: I can tell the parties we  
2 are pretty good friends where he kept in touch over  
3 the years.

4 THE COURT: Ms. Wild?

5 MR. CASTELLANO: Shawn Morales from Rio  
6 Rancho. Now he's mad at me.

7 THE CLERK: 831.

8 THE COURT: Number 831. Is he in this  
9 first group?

10 THE CLERK: He is.

11 THE COURT: We're just going to let him go.  
12 What else, Mr. Castellano?

13 MR. CASTELLANO: The other is a separate  
14 matter. After meeting with James Garcia last week,  
15 he signed an affidavit and gave it to Mr. Castle. So  
16 we're asking for a copy of that affidavit. It's  
17 unrelated to this trial. But for his case we are  
18 seeking a copy of the affidavit. And I think his  
19 attorney will want it, as well.

20 THE COURT: Do you have any objection to  
21 producing that? He's not going to be called in this  
22 trial; correct?

23 MR. CASTELLANO: That's correct.

24 MR. CASTLE: I'd like to think about it,  
25 Judge. It wasn't produced to me.

1 THE COURT: Well, let's just take it up  
2 after he gets an opportunity --

3 MR. CASTELLANO: I want to get started  
4 early.

5 THE COURT: Anything else up here at the  
6 bench?

7 MR. CASTELLANO: No, sir, thank you.

8 THE COURT: All right.

9 MR. SINDEL: When we're talking -- this is  
10 Mr. Sindel. If we say our names, it's a lot easier  
11 for her.

12 THE COURT: Okay. Maybe everybody say  
13 their names when they're up here at the bench.

14 (The following proceedings were held in  
15 open court.)

16 THE COURT: All right. I guess is there  
17 anything else we need to discuss before we bring the  
18 jury in? Anything else I can do for you, from the  
19 Government's standpoint?

20 MS. ARMIJO: No, Your Honor.

21 THE COURT: How about from the defendants?  
22 Anything else we need to discuss? Anything else I  
23 can do for you?

24 MS. ARMIJO: And Your Honor, we still are  
25 going to be getting the charts; correct?

1 THE COURT: Yeah, we're still trying to get  
2 a read as to who is here, and the jury service is  
3 working on it so I don't have one yet either.

4 All right. Why don't we do this. Why  
5 don't we go into recess for a little bit. If any of  
6 the attorneys want to -- feel free to use the jury  
7 restroom here on the side, so you're not out there  
8 with the jurors that are coming in. So feel free to  
9 do that. All right. We'll just go off the record  
10 for a little bit.

11 (A discussion was held off the record.)

12 THE COURT: All right. Let me give you a  
13 little update. We've had 61 report. So we're going  
14 to be okay. We'll get started here. Jury services  
15 encouraged them to call people, and with those coming  
16 out that I just said, we've got 61. We're going to  
17 start calling and getting some more people here  
18 during the day to report, so that if -- I think that  
19 makes certainly me and Ms. Wild and everybody a  
20 little nervous to only have 61. But at least we've  
21 got that many here, and that's what we want.

22 So we're going to leave the one down,  
23 because there may be others reporting throughout the  
24 day, so we might as well have them begin to gather,  
25 and we'll have that additional one if we need to

1 bring that person in.

2 So come on up. Go ahead and give that to  
3 us. So we're about five minutes away. So if you  
4 need to do anything, you've got about five minutes  
5 before we actually bring the jury in. All right. So  
6 we'll go back off the record.

7 (A discussion was held off the record.)

8 THE COURT: All right. We'll go back on  
9 the record. As y'all have picked up, jury services  
10 reshuffled, for some reason, the names after assuring  
11 us they wouldn't do it. I can go back and unshuffle  
12 them, but it will be 20 minutes; or we can work with  
13 what we've got.

14 MR. COOPER: Unshuffle them.

15 MS. HARBOUR-VALDEZ: We'd like them  
16 unshuffled, please. That's the way we prepared.

17 THE COURT: All right. We'll unshuffle  
18 them. All right. We'll be off the record, then, for  
19 about 20 minutes.

20 (The Court stood in recess.)

21 THE COURT: All right. I guess I'm just  
22 going to sit here at the door and call out the names  
23 and I'll seat them in the order that we have. I  
24 can't figure out what jury services is doing, so it  
25 doesn't look like we can get started unless I seat



1 everybody. So you've got your list?

2 MR. CASTELLANO: Yes, sir.

3 THE COURT: You're juror number 1.

4 COURT REPORTER: I can't hear you. Carol?

5 THE COURT: Can you hear me, Ms. Bean?

6 COURT REPORTER: I can't, sir.

7 THE COURT: Ms. Chavez, you'll be juror  
8 number 3.

9 Ms. Menapace-Corral, you'll be juror number  
10 4.

11 Mr. Melter is out there. So you're  
12 Mr. Lopez. So you'll skip a seat and be right over  
13 there, so just leave a seat open.

14 Mr. Troy? All right. You'll be the next  
15 juror.

16 Are you Mr. (inaudible)? All right. So  
17 keep those -- you need to put those in order. So  
18 you'll need to keep a seat between you and the  
19 last --

20 Ms. Riley. Take a seat here. And you're  
21 Mr. Montoya? Okay. Be seated, and you'll come right  
22 over here in this jury box, right over here on the  
23 side.

24 All right. Ms. Morales, I think you'll be  
25 back up in the corner. You're in the far corner.

1 Mr. Singer, you'll be right next to the  
2 last juror.

3 All right. Mr. Telles?

4 MR. TELLES: Yes, sir.

5 THE COURT: All right. Follow right over  
6 there, and stay over.

7 Ms. Reser? Okay. I don't think you're  
8 Ms. Murillo; right? So when you go up, keep a space  
9 between you and the last juror.

10 All right. Mrs. Griego? All right.

11 Mr. Doom? You'll just be right up here.

12 Ms. Trujillo? All right. There is room  
13 for you up there, if you'll be seated there.

14 And then Mr. McKinzie is going to be  
15 right -- I'm going to place you right here. All  
16 right. Is that right? You think it's over here?

17 Mr. Brugger? You're next. Mr. Swantner.  
18 Ms. Nitterauer, right there. Ms. Duncan, I think  
19 you're going to be one down there.

20 Mr. Skousen we're going to put on the back  
21 bench. I don't have numbers here on this.

22 Ms. Wise? All right. Ms. Wise, if you'll  
23 go ahead and sit down there.

24 And Mr. Medina; is that correct? Is that  
25 correct. All right, Mr. Medina, you're right next to

1 Ms. Wise.

2 Mr. Mott. All right, you're right here.

3 And Ms. Lee, you're right here. Is that all we're  
4 going to put there?

5 MS. HARBOUR-VALDEZ: Five, Your Honor.

6 THE COURT: One more, Mr. Solis. All  
7 right, Mr. Niemeier, that's your seat right there.  
8 Is that correct?

9 MS. HARBOUR-VALDEZ: Yes, Your Honor.

10 THE COURT: Ms. Griego, right there.  
11 Ms. Beavers, all right. Ms. Cardenas, Mr. Kulpa.  
12 I've got one more in that row.

13 MS. HARBOUR-VALDEZ: That's all, Your  
14 Honor.

15 THE COURT: Ms. Scifres? All right, you're  
16 right here. Mr. Donart. Mr. Gutierrez, there is a  
17 space there, so that -- and Mr. Marquardt. Leave a  
18 little bit bigger space there.

19 THE CLERK: Ms. Trujillo, Ms. (inaudible),  
20 Ms. Garcia, Mr. Kimmick, in this case on the other  
21 side. Mr. Carrillo, Mr. Meyer. Mr. Gutierrez, move  
22 on down. Mr. Marquardt, do you want to go in this  
23 row? Go ahead. Ms. Velazquez, you're going to be on  
24 this row. Mr. Saiz, right on the other side.  
25 Ms. Nelson on the other side of him. Mr. DeVargas,

1 Mr. Krohn, Mr. Bunnell, Mr. Martinez, Mr. (inaudible),  
2 Mr. Plata, Mr. Yancey.

3 THE COURT: Ms. Wild, can you hold just a  
4 second? Why don't you check with Ms. Harbour-Valdez.

5 THE CLERK: It is Mr. Krohn from over here.  
6 Mr. Plata, Mr. Maestas, Ms. Scifres, Ms. Campbell,  
7 and Ms. Vazquez. You can go on back there.

8 THE COURT: Are you okay, Mr. Cooper? Is  
9 everything lining up okay?

10 MR. COOPER: I believe so. As soon as we  
11 get a seating chart.

12 THE COURT: Ms. Wild.

13 THE CLERK: They're working on it. Give me  
14 just a second, please. There's no empty seats, so go  
15 ahead and scoot over. Go ahead and scoot over. Keep  
16 going. What is your last name, ma'am?

17 MS. TRUJILLO: Trujillo.

18 THE CLERK: Thank you. So Mr. McKinzie,  
19 Mr. Brugger, Mr. Swantner. All the way down here, if  
20 possible. Let me help you. Ms. Niemeier, go on the  
21 other side of her, please. Mr. Mott, on the other  
22 side of her. Ms. Lee, Ms. Solis, Mr. Niemeier on the  
23 other side of her. Ms. Griego, Ms. Beavers, scoot  
24 all the way down. Ms. Cardenas, Mr. Kulpa, Mr.  
25 Kennedy. Ms. Scifres on the other side of Mr.

1 McKinzie. Mr. Donart, Mr. Marquardt, Ms. Pellegrino,  
2 Ms. Trujillo, Ms. Garcia, Mr. Plata, Mr. Carrillo,  
3 Mr. Meyer. (Inaudible) on the other side. Mr. Saiz,  
4 Ms. Nelson. Mr. Bunnell on the other side.  
5 Mr. Moore, Mr. Plata, Mr. Yancey, Mr. Spencer, Mr.  
6 Maestas, Ms. (inaudible), Ms. Campbell, Ms. Vasquez.

7 THE COURT: All right. Well, everyone be  
8 seated. I guess I'm the only one still standing  
9 here. You can tell why they don't allow the judge to  
10 seat the jury. It's just a big mistake.

11 Let me tell you what happened this morning,  
12 then I'm going to introduce myself and introduce  
13 everybody up here. The lawyers have prepared seating  
14 charts, and we sort of randomly put everybody into a  
15 draw. You remember in the old days, we had a draw up  
16 here and put the jurors' names, crank it, and call it  
17 out. Well, the computers generate the draw, so it's  
18 all random when we did it.

19 We did it last week. When y'all came in  
20 today, jury services redid it, so it knocked all our  
21 seating charts out. So rather than redoing seat  
22 charts, we decided to go back to the random numbers  
23 that we had last week, so everybody's seating charts  
24 were correct. For some reason, it was taking a long  
25 time. So I decided to come down and get you and

1 bring you up here, and they're going to try to  
2 generate a seating chart for all the attorneys that  
3 will reflect everybody that's here. That's the  
4 reason. I just thought we were losing too much  
5 time -- your time, our time -- and I wanted to get  
6 everybody in here.

7 So I appreciate your patience, I appreciate  
8 you working with us, and I'm sorry a little bit about  
9 the disorganization on the seating charts, but I made  
10 a call to go back to the other seating chart. Maybe  
11 we should have left you the way you were. I don't  
12 know. We'll figure that out as we go.

13 My name is Judge Jim Browning. I'm from  
14 Albuquerque. So if you come to Albuquerque, my  
15 courtroom -- or my chambers is on the sixth floor,  
16 and I do most of my work on the fourth floor, but  
17 I've done over my career a lot of work in Las Cruces,  
18 so a lot of us in Albuquerque travel down here. And  
19 I'm down here a fair amount. I've got a fair number  
20 of cases down here, so I travel. I live up in the  
21 Northeast Heights for those of you from Albuquerque,  
22 familiar with Albuquerque. So I'm traveling, too.  
23 So I know a lot of you have indicated on your forms  
24 where you're from and that you've traveled, as well.  
25 So I'm traveling with you on this trial. And for

1 those of you who are selected and serve, I'll be with  
2 you and hitting the road, as well.

3 Let me first thank you for what you've  
4 already done for us. I know that some of you come  
5 from some great distances, probably yesterday, spent  
6 the night. Some of you came over this morning.

7 If you did not do what you've already done  
8 for us yesterday and this morning, it would be  
9 impossible for us to do what we do in Federal Court,  
10 so I want to thank you right off the bat. And I'm  
11 going to be thanking you a lot, because you're good  
12 citizens for responding to the summons that you  
13 receive, coming and being a good group and being  
14 patient with us, and we appreciate it very much.

15 You know, in this country we don't get a  
16 lot of opportunities to serve our nation, unless  
17 we're in some particular field like the military or  
18 something like that. But one of the ways we do it  
19 is, we vote and then we serve as jurors. So this is  
20 an incredibly important thing that we're going to be  
21 doing today and over the next few weeks for those  
22 that are selected for the trial. So I can't express  
23 enough my appreciation what you've already done and  
24 what you're going to be doing for us.

25 You know, when you go around the world,

1     there's different trials and different ways of  
2     deciding issues. You can get up -- got up on the  
3     news this morning and see how they resolve issues in  
4     Syria and how they resolve issues in other countries.  
5     If you think about it, the way we resolve conflicts  
6     in our country with jury trials is one of the things  
7     that makes us so special. And while we're a  
8     democracy and we talk a lot about that, about voting  
9     and those sort of things, and those are very  
10    important, if you think about it, after the Congress  
11    passes the law and the president signs the law, when  
12    we get to applying the law out of Washington to the  
13    facts of the case, we kind of put the professionals  
14    aside and we ask the citizens to come in and apply  
15    the law to the facts. If you think about it, there's  
16    nothing more democratic than that. Most nations  
17    don't trust their citizens like we trust our citizens  
18    to ask them at probably the most important stage of  
19    applying the law to the facts, we ask the citizens to  
20    do it. And if you didn't do what you did this  
21    morning, we couldn't do it in this country.

22           There's still a few countries that do jury  
23    trials, but they're dwindling, and yet in the United  
24    States it's so special that we put it right in the  
25    Constitution. So we guarantee the right to a jury.



1 And so I appreciate what you're doing for us, what  
2 you're going to do for us this morning, and I  
3 appreciate the fact that, you know, we're still in a  
4 country where people respond to the summons and they  
5 come and do their duty, and I very much appreciate  
6 that.

7 Let me introduce you to some people here.  
8 I want you to be comfortable with everybody. When  
9 you walk into a courtroom, a lot of you don't hang  
10 around courtrooms like I do all day long. So let me  
11 explain who people are and what they're doing.

12 Right here in the red jacket is Ms. K'Aun  
13 Wild, and you may have met her downstairs. Ms. Wild  
14 and I have worked together for 28 years. I hired her  
15 when she was 9. So she was in private practice with  
16 me before, and she's so good that they just promoted  
17 her to be a manager for the courtroom deputies. And  
18 what she does is -- what she was doing was managing  
19 all the cases that I have, as well as what we're  
20 about to do today, help pick a jury, and then be with  
21 me in the courtroom. But she's going to -- she's  
22 been promoted to be the supervisor for all the  
23 courtroom deputies because of her vast operational  
24 experience, and what I mean by that is trying cases.

25 And so Ms. Bevel, Carol Bevel, is going to

1 be my new CRD, and this will be the first trial that  
2 she and I have done together. She's a very  
3 experienced CRD. One of our judges took senior  
4 status, and so this was the transition. But this is  
5 our first trial that Ms. Bevel and I will be doing  
6 together, so there's a little bit of transition here.  
7 But Ms. Wild will be with us while we select the  
8 jury, and then Ms. Bevel will be with us as we try  
9 the case.

10 Ms. Jennifer Bean -- you may not be able to  
11 see her machine. She's the court reporter here, and  
12 she's taking down everything that's said. So she  
13 will be in the courtroom with us throughout the  
14 trial.

15 And Mr. Brendan Hammond is my law clerk.  
16 He's right here behind me, if you can see him at the  
17 side. Mr. Hammond grew up in upstate New York. His  
18 parents were connected with Cornell University, and  
19 he went to Cornell, then went to the University of  
20 Texas Law School. And he was about to go to work for  
21 Sullivan & Cromwell in New York, which is a  
22 prestigious Wall Street firm, but came and clerked  
23 for me. So when this year is over, which will be the  
24 end of August, September 1st, in that area, I switch  
25 clerks, so he's going to head to Sullivan & Cromwell.

1 So he'll be with us throughout the trial.

2 Some of my other clerks from Albuquerque  
3 may in, and Mr. Hammond will be with me all the time.  
4 So when they're here, I'll introduce you to them if  
5 you're here and you're part of this trial. So I  
6 won't introduce anyone else until they get here, and  
7 then we'll just see who is here for those  
8 introductions.

9 All right. Let me explain to you, ladies  
10 and gentlemen, what we're going to be doing this  
11 morning. This stage of the proceedings is the voir  
12 dire examination, depending upon how you say those  
13 French words. And the purpose of the voir dire  
14 examination is twofold. One, it's to enable the  
15 Court to determine whether or not any of the  
16 prospective jurors, any of you, should be excused for  
17 cause. And second, it's to enable the counsel whom I  
18 will introduce in a moment, counsel for the parties,  
19 to exercise individual judgment with respect to  
20 peremptory challenges; that is, challenges for which  
21 no reason need be given at all.

22 And so what we're going to do is ask you  
23 some questions. And if there is a question that you  
24 don't want to answer in front of everybody, we have  
25 the ability to sort of fog the machine up here and

1 keep everybody from necessarily hearing everything.  
2 The lawyers can come up here to the bench, and we'll  
3 hear whatever you want to say to us up here at the  
4 bench. So those are some things I'll tell you if you  
5 decide you want to do that.

6 Now, the first question we're going to be  
7 asking you is that, as you can tell from the jury  
8 questionnaires, which you all so patiently and  
9 diligently filled out, we expect this trial to last  
10 no longer than eight weeks. So it could go shorter,  
11 but I don't think it's going to go any longer. If  
12 you look at the calendar, that's going to put the  
13 last day as June 1st. So some of you have already  
14 told us a little bit about your schedule over that  
15 period of time.

16 The first question that I'm going to be  
17 asking is: Expecting the trial to go eight weeks,  
18 does that present any special problem for any of you?  
19 And so before I ask that question, I need to -- now  
20 that you're comfortable in your seats, if you'll  
21 stand again and Ms. Bevel is going to swear you in.

22 All right. If you'll raise your right  
23 hands.

24 (The jury panel was sworn.)

25 THE COURT: Is there anybody that didn't

1 say "I do"? All right. Everybody be seated.

2 All right. Everybody said "I do," is what  
3 I understood. Okay. Let me ask Ms. Wild something.

4 (A discussion was held off the record.)

5 THE COURT: All right. Let's then start  
6 with that first question. Expecting the trial to ask  
7 eight weeks -- I don't know if it will last that  
8 long, but I don't think it will last any longer than  
9 that -- does that present any special problems for  
10 you? And you're going to have to be patient with me  
11 a little bit, because I don't have a seating chart  
12 yet, so I'm either going to have to guess or you'll  
13 have to tell me your names so I can start to get  
14 familiar with you.

15 Does that present any special problems for  
16 anybody in the jury box? Let me start with you,  
17 Ms. Chavez. What special problems do the next eight  
18 weeks present for you?

19 MS. CHAVEZ: Is there a way that I can tell  
20 this privately?

21 THE COURT: Come on up. I may make you  
22 stand here for a little bit while I get some other  
23 people. Anybody else in the jury box? Is that  
24 Mr. Lopez?

25 MR. LOPEZ: Yes.

1 THE COURT: What special problems do the  
2 next eight weeks present for you?

3 MR. LOPEZ: I've got a doctor's appointment  
4 and also a dentist appointment, and then I have some  
5 child care issues on probably about three of those  
6 days.

7 THE COURT: Okay. The doctor's  
8 appointments -- could they be rescheduled?

9 MR. LOPEZ: Well, the doctor's appointments  
10 are three-months dermatology, in one case, the  
11 doctor's appointment, and the other one is a  
12 six-month dentist appointment.

13 THE COURT: How about the child care?  
14 Could somebody else --

15 MR. LOPEZ: That one is very difficult,  
16 since -- I point those out because my wife and I have  
17 two different sets of grandchildren that we have to  
18 go pick up, and they all come out of school at the  
19 same time. One is in Albuquerque, the other one is  
20 in Rio Rancho.

21 THE COURT: Okay. So these are  
22 grandchildren?

23 MR. LOPEZ: Yes.

24 THE COURT: Thank you, Mr. Lopez.

25 Anyone else in the jury box? Is that

1 Mr. Troy?

2 MR. TROY: Correct.

3 THE COURT: What special problems do the  
4 next eight weeks present for you, Mr. Troy?

5 MR. TROY: Most importantly, vacation on  
6 May 1st. I've had nonrefundable tickets since  
7 January, and three business obligations that require  
8 travel, and then one doctor appointment Thursday  
9 morning.

10 THE COURT: All right. Thank you,  
11 Mr. Troy.

12 Anyone else in the jury box?

13 All right. Ms. Riley? What special  
14 problems?

15 MS. RILEY: Yes, sir. My son is graduating  
16 on May 18, and it's a Friday, and I'm not missing it.

17 THE COURT: Where is he graduating?

18 MS. RILEY: From Moriarty High School.

19 THE COURT: What time of day is he  
20 graduating?

21 MS. RILEY: It will be in the evening.

22 THE COURT: What time of day?

23 MS. RILEY: In the evening.

24 THE COURT: What time in the evening?

25 MS. RILEY: It should be at 6:00.

1 THE COURT: All right. Thank you,  
2 Ms. Riley.

3 Who else had their hand up? Mr. Montoya?

4 MR. MONTOYA: Brian Montoya.

5 THE COURT: Yes, sir. What special  
6 problems?

7 MR. MONTOYA: I'm self-employed, and I have  
8 two kids at home, and I'm a stay-at-home dad, as  
9 well.

10 THE COURT: Okay. Thank you, Mr. Montoya.  
11 Who else? Anyone else in that row?  
12 All right. Come down here, Ms. Dwore.  
13 What special problems do you have?

14 MS. DWORE: Your Honor, if we're permitted  
15 to return home on weekends, I should be able to  
16 schedule follow-up care on Saturday.

17 THE COURT: Yeah. Generally, the schedule  
18 we're going to run -- we're going to work hard during  
19 the days til about 5:30. On Friday, we'll be  
20 shutting her down and people can head back for the  
21 weekend.

22 MS. DWORE: I should be able to schedule  
23 for Saturdays.

24 THE COURT: That's going to be my schedule.  
25 I may spend the night on Friday and drive back to



1 Albuquerque on Saturday morning, and come back down  
2 on Sunday afternoon. So that's the schedule I have.  
3 Thank you, Ms. Dwore.

4 Anybody on the back row? Anybody else?  
5 Who on the back row? Is that Ms. Trujillo?

6 MS. TRUJILLO: I know there's a lot of  
7 people from out of town, but I'm from Albuquerque. I  
8 moved there for work, so I'm a manager and I'm  
9 short-staffed and I'm the sole provider in  
10 Albuquerque. So I also have an interlock license  
11 that I have to be there to get serviced. So it's  
12 just -- it's more that I'm going to be financially  
13 bound without --

14 THE COURT: And you're Ms. Trujillo?

15 MS. TRUJILLO: Yes.

16 THE COURT: Okay. Thank you, Ms. Trujillo.

17 Who else? Back row, anyone else?

18 Mr. Swantner?

19 MR. SWANTNER: I'm extremely concerned  
20 about my work. Of course, my employer can't do  
21 anything. I'm a contractor. So I just started two  
22 weeks ago, and if the relationship sours -- I've  
23 already had to do update and different interviews.  
24 We don't sign up for -- if they need somebody else,  
25 they just bring somebody else in and my job kind of

1 disappears, and then I may or may not be able to get  
2 anything else there. So I'm extremely nervous about  
3 disappearing for two months after being there only  
4 two weeks.

5 THE COURT: Thank you, Mr. Swantner.

6 Anyone else in the jury box? Let's go back  
7 over here. Anyone -- you'll have to identify  
8 yourself, because -- are you Ms. Lee?

9 MS. LEE: Melanie Lee.

10 THE COURT: Let's see. Okay. Go ahead,  
11 Ms. Lee.

12 MS. LEE: My husband is getting sent  
13 emergency TDY next week with the Army, and I won't  
14 have anyone to help with the children, picking them  
15 up, dropping them off to school. I'm in Alamogordo.

16 THE COURT: All right. Thank you, Ms. Lee.

17 Anyone else over here, any special problems  
18 over the next eight weeks?

19 THE CLERK: She wants to approach the  
20 bench.

21 THE COURT: All right. Anybody else over  
22 here that's got it?

23 Let's go over here, then. Anybody over on  
24 this side?

25 MS. CARDIEL: Debbie Griego Cardiel.

1 THE COURT: Let's go over here. She wants  
2 to come over here. Why don't we go over here?

3 What's his name?

4 THE CLERK: Mr. Segovia.

5 THE COURT: Give me your name.

6 MR. MEDINA: My name is Randy Medina.

7 THE COURT: Okay, Mr. Medina.

8 MR. MEDINA: Yes, sir. I'm currently on  
9 workmen's comp, and I have a hearing on Thursday. I  
10 believe it's the 12th, at 10:30 a.m., and they've  
11 been scheduling appointments and stuff on and off,  
12 and I don't get a heads-up. So they'll hit me the  
13 next day, following day, or whatever. But other than  
14 that, I have no problem serving.

15 THE COURT: Is there any way that could be  
16 rescheduled?

17 MR. MEDINA: It was canceled from last  
18 month, moved up to this month by workmen's comp out  
19 of Albuquerque. So I could talk to my lawyer and see  
20 if they can reschedule it or -- because I'm currently  
21 out of work right now for that, also, so I could do  
22 that, if needed.

23 THE COURT: All right. Okay. Thank you,  
24 Mr. Medina.

25 Who else over there? Y'all will have to

1 identify yourselves. I'm still not working with a  
2 seating chart yet.

3 MR. DONART: Nathan Donart. I just started  
4 a job at UNM. I'm one of two people in the biosafety  
5 office and administrator for the quarterly meeting on  
6 the 16th. And my first anniversary is also in two  
7 weeks, and I've got one teenager and one 12-year-old  
8 at home that my wife is very nervous about caring for  
9 for eight weeks.

10 THE COURT: All right. Thank you, Mr.  
11 Donart.

12 Who else over there had their hand up? All  
13 right?

14 MR. GUTIERREZ: My name is Joaquin  
15 Gutierrez, and I don't think I speak enough English  
16 or understand enough English to be a juror.

17 THE COURT: But schedulewise, are you okay  
18 on your schedule? Are you all right on your schedule  
19 over the next eight weeks?

20 MR. GUTIERREZ: Yes.

21 THE COURT: Thank you. I appreciate it.  
22 And what was your name, again?

23 MR. GUTIERREZ: Joaquin Gutierrez.

24 THE COURT: All right. Who else had their  
25 hand up?

1 MR. KULPA: My name is John Kulpa.

2 THE COURT: Mr. Kulpa.

3 MR. KULPA: About a week ago I defended my  
4 Ph.D. dissertation, and the next three days I was  
5 hoping to spend making final revisions on that  
6 document. And I also have a conference that I would  
7 like to be at that's April 12 through April 14 to  
8 present this work. And there is also a conference  
9 that I would like to present this work on May 23  
10 through May 27.

11 THE COURT: All right. Thank you,  
12 Mr. Kulpa, I appreciate it.

13 Who else?

14 MR. JOHNSON: My name is Steve Johnson. I  
15 am a social worker at the New Mexico Rehab Center in  
16 Roswell on the medical side, and I'm pretty much the  
17 only social worker they have. To be gone eight weeks  
18 I think would be a burden on the rehab center.

19 THE COURT: All right. Thank you, Mr.  
20 Johnson.

21 MR. JOHNSON: Thank you.

22 THE COURT: Anyone else over here?

23 MS. LARGE: Good morning. My name is  
24 Sylvia Large. And currently I'm a student. I  
25 graduate May 10th. And I mean, I don't have to walk

1 the line, potentially, but I do have a job interview  
2 on Wednesday, the 11th.

3 THE COURT: Of April or May?

4 MS. LARGE: May. April, sorry.

5 THE COURT: Of April? Did you say April?

6 MS. LARGE: Yeah.

7 THE COURT: All right. Thank you,  
8 Ms. Large.

9 Who else?

10 MR. KROHN: My name is Chris Krohn. I'm a  
11 computer programmer at Pro Law Software. Our clients  
12 are law firms that use the software to run their  
13 offices and keep their trial calendars, and it's also  
14 used by local governments and the Department of  
15 Justice. I've got a deliverable on a year-long  
16 custom software project that I've been working on for  
17 a client that's due over the next two weeks. And if  
18 we don't finish that project on schedule, my employer  
19 will be in breach of contract and liable for  
20 thousands of dollars in penalties.

21 THE COURT: All right. Thank you,  
22 Mr. Krohn, I appreciate it.

23 MR. KROHN: Thank you.

24 THE COURT: Anyone else back over there?

25 Anyone else before I have these that are here at the

1 bench?

2 MR. DONART: I also forgot, I'm scheduled  
3 on June 1st to take the dental school entrance exam.

4 THE COURT: Thank you. Anyone else? I  
5 think there is a hand back in this corner.

6 MR. PLATA: My name is Allen Plata and I  
7 live in Albuquerque, and I can't drive over here, so  
8 either my mom or my dad had to take me. But knowing  
9 their schedule, it's kind of conflicting with them.  
10 And I do have a disability that kind of makes it hard  
11 for me to understand, like, sorts of things, and --  
12 yeah.

13 THE COURT: All right. Thank you, Mr.  
14 Plata.

15 Who else? Did somebody else have their  
16 hand up?

17 MR. YANCY: My name is Adam Yancey. I,  
18 too, do not currently own a vehicle. The burden  
19 between here and Albuquerque at 240-some miles, I  
20 can't do that regularly. So...

21 THE COURT: All right. Thank you, Mr.  
22 Yancey.

23 All right. The two jurors that were up  
24 here, why don't we come up here, and counsel, if you  
25 want to come up here.

1 (The following proceedings were held at the  
2 bench.)

3 THE COURT: Give me your name again.

4 MS. CHAVEZ: Sure. It's Angela Chavez.

5 THE COURT: All right, Ms. Chavez. What  
6 special problems do the next eight weeks present for  
7 you.

8 MS. CHAVEZ: My daughter was released on  
9 bail from district court to me as a custodian, and  
10 part of the condition is that I would be with her  
11 24/7 as that custodian. So I would be in violation  
12 of that condition from district court.

13 THE COURT: All right. Mr. Beck, do you  
14 have any questions of Ms. Chavez?

15 MR. BECK: Is there anyone else who could  
16 be her custodian in your place?

17 MS. CHAVEZ: No. I actually resigned from  
18 my job to fulfill that request.

19 MR. BECK: Thank you.

20 THE COURT: How about from the defendants?  
21 Anybody have any questions?

22 All right. Thank you, Ms. Chavez. I  
23 appreciate it.

24 What's your name?

25 MS. CARDIEL: Debbie Griego Cardiel.



1 THE COURT: All right. Ms. Griego Cardiel,  
2 what special problems do the next eight weeks present  
3 for you?

4 MS. CARDIEL: Well, for one, I live in  
5 Chupadero, which is on the outskirts of Santa Fe, and  
6 I don't drive this far, so I don't have anybody -- my  
7 husband brought me yesterday, but I have nobody to  
8 bring me. And also, I take care of my 80-year-old  
9 mother. She is a widow, and I'm an only child.

10 THE COURT: All right.

11 Mr. Beck, do you have any questions of  
12 Ms. Griego Cardiel?

13 MR. BECK: Do you not have a license or do  
14 you choose not to?

15 MS. CARDIEL: I don't drive that well.

16 MR. BECK: Okay. And is there anyone else  
17 who can substitute in taking care of your  
18 granddaughter for you?

19 MS. CARDIEL: It's my mother. No, I'm an  
20 only child. We're on a waiting list for the State of  
21 New Mexico for help, but I haven't gotten anything.  
22 And I also work full-time.

23 THE COURT: Work for what?

24 MS. CARDIEL: I work full-time.

25 MR. BECK: And how long have you been on

1 the waiting list?

2 MS. CARDIEL: My mother got sick back in  
3 January, so since January.

4 MR. BECK: Thank you.

5 THE COURT: Anything else, Mr. Beck?

6 MR. BECK: No, Your Honor.

7 THE COURT: How about from the defendants?  
8 Mr. Cooper? Anyone else?

9 MR. COOPER: I don't believe we have any  
10 questions, thank you.

11 THE COURT: Thank you, Ms. Griego Cardiel.

12 Mr. Medina, if you'll come up and stand  
13 right there so the court reporter can hear you. How  
14 are you?

15 MR. MEDINA: Doing good.

16 THE COURT: What special problems for you?

17 MR. MEDINA: I was just saying that -- I  
18 was telling you about the workmen's comp. And also,  
19 my wife is a registered nurse at the detention center  
20 here, and she's also a registered nurse at Southern  
21 New Mexico Correctional Facility, and I was kind of  
22 worried about it.

23 THE COURT: I saw that on your  
24 questionnaire. Here's what I was thinking about  
25 doing. You may be back up here in a few minutes, but

1 I'm going to let these lawyers introduce themselves  
2 here in a moment, and I'm going to ask them to list  
3 out their witnesses, and you listen real carefully as  
4 those witnesses are listed, see if you know anybody.  
5 If you don't know anybody, then we may leave you in  
6 the pool. But let's see if you know anybody. Does  
7 that sound fair?

8 MR. MEDINA: Yeah. Knowing anybody wasn't  
9 my concern. It was, like, safetywise.

10 THE COURT: All right. Mr. Beck, anything  
11 you want to ask Mr. Medina about that issue?

12 MR. BECK: Mr. Medina, have you spoken with  
13 your wife about jury service on this case?

14 MR. MEDINA: No, sir, I haven't asked her  
15 anything in particular about who she watches or  
16 who -- you know, who is in prison. So it's private  
17 for her.

18 THE COURT: How about from the defendants?

19 MR. COOPER: How long has your wife worked  
20 at Southern New Mexico Correctional Facility?

21 MR. MEDINA: I'm going to say maybe six  
22 months. She's part-time there right now.

23 MR. COOPER: And prior to that, she worked  
24 at the detention center here in Las Cruces?

25 MR. MEDINA: Yes, sir, but that was -- it's

1       been, like, two or three years ago.

2                   MR. COOPER: But she is working there now  
3 full-time at the detention center?

4                   MR. MEDINA: Correct.

5                   MR. COOPER: And how often is she working  
6 at --

7                   MR. MEDINA: So it's part-time. Depending  
8 on what her schedule is, she could pick up extra  
9 shifts and stuff. But she is up there today.

10                  THE COURT: Mr. Blackburn?

11                  MR. BLACKBURN: She's a nurse at the Dona  
12 Ana Detention Facility?

13                  MR. MEDINA: Yes, sir. Also at Southern.

14                  MR. BLACKBURN: And how much contact does  
15 she have with the individuals? I guess, what is her  
16 job as it relates to the inmates there?

17                  MR. MEDINA: Which facility?

18                  MR. BLACKBURN: At the Dona Ana County  
19 Detention Facility.

20                  MR. MEDINA: Right now, she's a charge  
21 nurse. So I imagine -- she's a nighttime charge  
22 nurse, so I imagine she has contact with all. She  
23 don't tell me about her job, you know. She can't do  
24 that. So she just tells me where she works, and her  
25 responsibilities are charge nurse. That's all I know

1 right now.

2 MR. COOPER: And has she been working  
3 nighttimes for how long?

4 MR. MEDINA: I'm going to say less than a  
5 month for the detention center.

6 MR. COOPER: And before that, she was  
7 working the day shift at the detention center?

8 MR. MEDINA: No, no, she would have a  
9 couple of days' training maybe on day shift.

10 MR. COOPER: So she just started?

11 MR. MEDINA: Yes, sir, but she used to work  
12 for the detention center maybe two years ago. That  
13 was it.

14 MR. ROBERTS: Two years ago, what was she  
15 doing?

16 MR. MEDINA: As an RN.

17 MR. SINDEL: I'm Mr. Sindel. How are you?  
18 How are you doing?

19 MR. MEDINA: I'm a little bit nervous.

20 THE COURT: Don't be nervous. Everything  
21 will be all right.

22 MR. SINDEL: Okay. So you said something  
23 right at the beginning, your concern was not so much  
24 about her job, really, but about safety.

25 MR. MEDINA: Yes, sir.

1 MR. SINDEL: That's what I want to ask you  
2 about.

3 MR. MEDINA: Okay.

4 MR. SINDEL: Is that pretty much foremost  
5 in your mind, that your concern is about safety  
6 issues?

7 MR. MEDINA: Well, what I'm concerned about  
8 is that if I were to get selected that, you know, I  
9 don't know who she watches over, who is going where,  
10 or what is -- if they find out that I'm on the jury,  
11 and knowing that she works -- where she works,  
12 something might happen to her. This isn't the  
13 movies. I understand that. But --

14 MR. SINDEL: Listen, that's a very real  
15 concern. Because your wife is in a situation where  
16 there are people with all kinds of background;  
17 correct?

18 MR. MEDINA: Correct.

19 MR. SINDEL: And she's been doing that for  
20 a long time.

21 MR. MEDINA: Yes.

22 MR. SINDEL: And probably every day she  
23 goes to work, you have some concerns?

24 MR. MEDINA: Absolutely, absolutely.

25 MR. SINDEL: And if you're sitting on this

1 jury and you think that there may be some people at  
2 the facility where she works, that's scary.

3 MR. MEDINA: Yeah.

4 MR. SINDEL: Is that true?

5 MR. MEDINA: Yeah, it is. I'm going to say  
6 it is, yes.

7 MR. SINDEL: And if that's in your mind, is  
8 that one reason you think, hey, this isn't just the  
9 right place for me?

10 MR. MEDINA: No, I don't have -- I don't  
11 think that. I just -- of course, every day she goes  
12 to work, I'm going to be concerned anything could  
13 happen. But my concern was anybody finding out my  
14 involvement as far as this trial, with her working  
15 where she works. And it happened -- I was in the  
16 same situation when I served also here, I think it  
17 was in 2011, 2012, on a three-month jury panel, so --

18 MR. SINDEL: This is your second go --

19 MR. MEDINA: And she was in the same  
20 locations as the other witnesses were. You know what  
21 I mean? She worked in the same places for everything  
22 else. So it doesn't -- it's like the second time  
23 around, and it's kind of a little nerve-racking.

24 MR. SINDEL: When you say nerve-racking, do  
25 you think it's maybe going to be hard for you to

1 concentrate on this case because of your concerns for  
2 safety?

3 MR. MEDINA: It's a little nerve-racking,  
4 but I think it would be easier because I've done it  
5 before.

6 MR. SINDEL: Okay. And I guess one or two  
7 more questions. And that is: There are allegations  
8 that there are certain things, certain acts of --  
9 what they call violent acts that have occurred at  
10 these facilities, the facility where your wife works.

11 MR. MEDINA: Yes.

12 MR. SINDEL: You read that in the  
13 questionnaire, you saw that there?

14 MR. MEDINA: Um-hum.

15 MR. SINDEL: And what I want to do is make  
16 sure that you can put aside your concern for her  
17 safety and be able to judge this case only on the  
18 evidence as you hear it.

19 MR. MEDINA: Yeah, absolutely I can do  
20 that.

21 MR. SINDEL: All right.

22 MR. MEDINA: No problem.

23 MR. SINDEL: Glad to talk with you.

24 MR. MEDINA: Absolutely.

25 MR. SINDEL: I'm not nervous anymore.



1 THE COURT: Anyone else? Okay. All right.  
2 Thank you, Mr. Medina.

3 (The following proceedings were held in  
4 open court.)

5 THE COURT: All right. Given that we --  
6 presenting the evidence is expected to take eight  
7 weeks, and we should be done by June 1st, does that  
8 present special problems for any of you that we  
9 haven't already discussed?

10 MS. TRUJILLO: I was a little nervous the  
11 first time, and I didn't really clarify enough. But  
12 my interlock dates -- I have to be there -- I have to  
13 have the car present. That's part of the contract.  
14 So my first one is on -- or my next one is the 12th,  
15 and then it usually runs a month after that. So it  
16 usually runs about the 11th or the 12th. I have a  
17 '93 Geo, which is an older car with over 300,000  
18 miles. So coming back and forth, that's going to be  
19 a little difficult.

20 And my daughter graduates from NMSU in May.  
21 I don't have the specific date yet, but I just wanted  
22 to be a little more clear about that.

23 THE COURT: Okay. Thank you. I appreciate  
24 it.

25 All right. Anyone else that over -- the

1 next eight weeks present any special problems for  
2 anybody?

3 Let's see. Mr. Telles? What special  
4 problems do the next eight weeks present for you?

5 MR. TELLES: My name is Art Telles, and I'm  
6 the transmission superintendent for El Paso Electric  
7 Company. And right now we're getting into our peak  
8 season, and of course, we tie all the transmission  
9 systems between, of course, PNM, Artesia -- they're  
10 SPS -- Springville, Arizona, and Duncan and Brady, up  
11 to Ciudad Juarez. And of course, as load goes up,  
12 our demand is needed much more.

13 I'm also the chair for the El Paso Electric  
14 line rodeo, and that event is taking place the 21st  
15 of April, and we're winding that down now, as well.  
16 I wanted to share that and let y'all know it's going  
17 to be difficult, but if need be, I would go ahead and  
18 do my duty. Thank you.

19 THE COURT: Thank you, Mr. Telles.

20 Anyone else need to tell me about any  
21 special problems they may have over the next eight  
22 weeks?

23 I'm going to cut my chart off here a little  
24 bit so I can see it here.

25 Let me tell you a little bit about the case

1 we're going to be trying here. The question I'm  
2 going to be asking is: Has anyone heard or read  
3 anything about this case?

4 This is a criminal case brought by the  
5 United States Government. I'm going to let the  
6 attorneys identify themselves in a little bit, so  
7 you're going to hear their names a couple of times  
8 this morning. And I will sometimes refer to the  
9 United States as the prosecution.

10 The charges against the defendants, whom  
11 we'll introduce here in a moment, are contained in an  
12 indictment. There are seven defendants who are  
13 charged in this trial, and all seven are charged with  
14 a crime which is a type of racketeering charge.  
15 Specifically, the United States alleges that the  
16 defendants were members or associates of a  
17 racketeering enterprise known as the Sindicato de  
18 Nuevo Mexico, or SNM Gang.

19 An indictment is a mere accusation. The  
20 indictment is not evidence at all of guilt. It is  
21 just a formal -- the formal way that the Government  
22 tells the defendant what crimes he's accused of  
23 committing. Each individual defendant has pled not  
24 guilty to the charges against him, is presumed  
25 innocent, and that presumption stays with the

1 defendant throughout the trial.

2 Assistant United States Attorneys Maria Y.  
3 Armijo, Randy M. Castellano, and Matthew M. Beck will  
4 be prosecuting this case and representing the United  
5 States of America. The defendants are Joe Lawrence  
6 Gallegos, represented by Brock Benjamin and Richard  
7 Sindel. Edward Troup, represented by Cori  
8 Harbour-Valdez and Patrick Burke. Billy Garcia,  
9 represented by James Castle and Robert Cooper. Allen  
10 Patterson, represented by Jeffrey (sic) Lahann and  
11 Joseph Shattuck. Christopher Chavez, represented by  
12 John Granberg and Eduardo Solis. And Arturo Garcia,  
13 represented by Billy Blackburn and Scott Davidson.  
14 And Andrew Gallegos represented by Donovan Roberts  
15 and Lisa Torracco.

16 The defendants are charged as follows. The  
17 defendants Joe Lawrence Gallegos, Edward Troup, and  
18 Billy Garcia have been charged in the indictment with  
19 violent crimes in aid of racketeering for the murder  
20 of Frank Castillo, occurring on or about March 26,  
21 2001.

22 Defendants Billy Garcia, Allen Patterson,  
23 and Christopher Chavez have been charged with violent  
24 crimes in aid of racketeering for the murder of  
25 Rolando Garza occurring on or about March 26, 2001.

1 Defendants Edward Troup and Arturo Arnulfo  
2 Garcia have been charged with violent crimes in aid  
3 of racketeering for the murder of Freddie Sanchez,  
4 occurring on or about June 17, 2007.

5 And defendants Joe Lawrence Gallegos and  
6 Andrew Gallegos have been charged with violent crimes  
7 in aid of racketeering for the murder of Adrian  
8 Burns, occurring on or about November 12, 2012.

9 Defendants Joe Lawrence Gallegos and Andrew  
10 Gallegos have also been charged in violent crimes in  
11 aid of racketeering for conspiring to murder Adrian  
12 Burns.

13 Defendant Joe Gallegos has been charged  
14 with violent crimes in aid of racketeering for the  
15 assault of Jose Gomez with a dangerous weapon, for  
16 conspiring to murder Jose Gomez, and for the  
17 attempted murder of Jose Gomez with a deadly weapon  
18 which resulted in serious bodily injury to Jose Gomez  
19 occurring on or about February 27, 2016.

20 So let me ask whether any member of the  
21 panel has heard or read anything about the case.  
22 Anybody have any knowledge about this case from any  
23 source?

24 All right. Why don't you come up here so I  
25 can discuss your knowledge up here at the bench.

1           Anyone else that's heard or read anything  
2   about the case? If you do, why don't you come over  
3   here and up. I'll get counsel to come up here. If  
4   there's anybody that's heard or read anything about  
5   the case, I want to talk to you outside the presence  
6   of the other members of the jury.

7           I didn't see where you came from. Are you  
8   Ms. Morales?

9           MS. MORALES: Yes.

10          THE COURT: All right. I got that. I've  
11   got a seating chart. How are you?

12          MS. MORALES: I'm doing well. Thank you.

13          THE COURT: What have you heard or read  
14   about this case?

15          MS. MORALES: I work with the New Mexico  
16   State Police as a 911 dispatcher.

17          THE COURT: You're a dispatcher. Okay.

18          MS. MORALES: I do believe the case of Mr.  
19   Sanchez from 2007 -- one of my sergeants is the case  
20   agent.

21          THE COURT: Who is that?

22          MS. MORALES: George Bernal.

23          THE COURT: And how long have you been a  
24   dispatcher with the state police?

25          MS. MORALES: Coming up on seven years in

1 June.

2 THE COURT: So I haven't gotten the witness  
3 list memorized like I should. But I think that Mr.  
4 Bernal is going to be a witness in this case?

5 MS. MORALES: Yes. I was actually advised  
6 to come up and speak with you, because of my  
7 involvement.

8 THE COURT: What has been your involvement  
9 in the case?

10 MS. MORALES: I know that he's a part of  
11 it. Honestly, I don't know the amount of unbiasedness  
12 I can have, working with him for so long, and working  
13 with the state police for so long. It's really hard  
14 to go against what they say, because my whole job is  
15 to believe them.

16 THE COURT: Okay. Let's break this down a  
17 little bit.

18 MS. MORALES: Okay.

19 THE COURT: The first thing is: Kind of  
20 explain to me what your involvement has been. Have  
21 you had any involvement in this case in any way?

22 MS. MORALES: No, I was not employed in  
23 2007.

24 THE COURT: How long?

25 MS. MORALES: From 2011.

1 THE COURT: 2011?

2 MS. MORALES: Yes.

3 THE COURT: So if you weren't -- if you  
4 haven't been involved in the case, does your  
5 knowledge of the case just come from what people have  
6 told you?

7 MS. MORALES: Yes.

8 THE COURT: Okay. And who has told you?

9 MS. MORALES: My boss, when I submitted my  
10 jury trial, actually said, "Look. This is one of our  
11 cases. We're handling this. You need to tell them  
12 that you're a part of this. You don't want to be  
13 biased against anybody. You don't want to mess this  
14 up."

15 THE COURT: Now, when they told you to say  
16 that, who was it that told you to say that?

17 MS. MORALES: My supervisor.

18 THE COURT: Mr. Bernal?

19 MS. MORALES: No, Chavarria.

20 THE COURT: Okay. And is that the only  
21 conversation you've had with anybody about this case?

22 MS. MORALES: I've heard a little bit of  
23 the talk here and there about the Sindicato de Nuevo  
24 Mexico. Specifically, no, but, kind of, we're  
25 gearing up for this, we're getting ready for this,



1 this is getting ready to come to trial, this is a big  
2 case. But specifics, no.

3 THE COURT: Okay. And everything you know  
4 about it is things that people have said?

5 MS. MORALES: Right.

6 THE COURT: And as far as you know, the  
7 only person that you know personally that's going to  
8 be testifying in this case or is involved in this  
9 case is Mr. Bernal?

10 MS. MORALES: George Bernal. And  
11 possibly -- my mind went blank -- he's a sergeant now  
12 and we call him Tony. Antonio Palomares. I believe  
13 he might have also -- I'm not sure which one, but I  
14 know this is something he's been working on for  
15 years.

16 THE COURT: And you know both of those men  
17 personally?

18 MS. MORALES: Yes, I do.

19 THE COURT: Have you talked to them at all  
20 about this case?

21 MS. MORALES: No.

22 THE COURT: You just know they're going to  
23 be testifying?

24 MS. MORALES: Right.

25 THE COURT: If they take the stand, are you

1 going to be inclined to believe anything they say?

2 MS. MORALES: I honestly can't say that I  
3 wouldn't believe them. I do trust them with my life,  
4 as they trust me with theirs in our job. So it's  
5 really hard for me to say, no, they're wrong.

6 THE COURT: So if somebody were to  
7 cross-examine them and go after their credibility,  
8 you'd be inclined to believe the police officers?

9 MS. MORALES: Probably.

10 THE COURT: Even if there was some evidence  
11 that they might not be telling the truth?

12 MS. MORALES: Yes.

13 THE COURT: Okay. Let's go then to sort of  
14 some general questions.

15 MS. MORALES: Okay.

16 THE COURT: Do you feel like you can be  
17 fair and impartial to all the parties in this case?

18 MS. MORALES: I don't know, just because I  
19 do know them, I've worked with them for so long, and  
20 I have such a trust with them, it's going to be very  
21 hard for me to say they're not telling the truth.

22 THE COURT: All right.

23 Mr. Beck, any questions of Ms. Morales?

24 MR. BECK: Thank you. Good morning,  
25 Ms. Morales.

1 MS. MORALES: Good morning.

2 MR. BECK: I understand your background  
3 with New Mexico State Police. The judge at some  
4 point is going to give all the jurors instructions.  
5 If the judge's instructions are to set aside any  
6 preconceived notions that you have or any thoughts  
7 you have in coming to the case and just rely on the  
8 evidence and information presented here in court, is  
9 that an instruction that you think you could follow?

10 MS. MORALES: I would do that to the best  
11 of my ability. But I don't want to go into it -- any  
12 sort of bias. I already know them, and I already  
13 trust them.

14 MR. BECK: Sure. And I guess I'm going to  
15 press you a little bit on that. If the judge  
16 instructs you that you're supposed to give the same  
17 credibility and take every witness, whether they're  
18 law enforcement or a criminal, with the same weight,  
19 listen to the same examination, is that an  
20 instruction that you can follow, something to that  
21 effect?

22 MS. MORALES: I don't know if I can take  
23 the word of a law enforcement and the word of a  
24 defendant in such a case with the same weight. I  
25 would have a really hard time with that.

1 MR. BECK: Even if the judge instructs you?

2 MS. MORALES: Yes.

3 THE COURT: Anything else, Mr. Beck?

4 MR. BECK: No.

5 THE COURT: Mr. Lahann.

6 MR. LAHANN: Did you work with Norman  
7 Rhoades?

8 MS. MORALES: I have, yes.

9 MR. LAHANN: And is he still engaged or  
10 dating another dispatcher?

11 MS. MORALES: She's retired.

12 MR. LAHANN: Is that somebody that you're  
13 friends with?

14 MS. MORALES: No.

15 MR. LAHANN: As far as Mr. Rhoades, he's  
16 retired also?

17 MS. MORALES: I do not know. I work night  
18 shift, so I don't see him very often.

19 MR. LAHANN: It's been a while since you've  
20 seen him?

21 MS. MORALES: Yes.

22 MR. LAHANN: Did you talk about the case  
23 with either one of those people? I forget her name.

24 MS. MORALES: Giovanna.

25 MR. LAHANN: What about Felipe Gonzalez?

1 Way before you?

2 MS. MORALES: He's still, as far as I know,  
3 employed.

4 MR. LAHANN: Rich Libicer?

5 MS. MORALES: He has also retired.

6 MR. LAHANN: That's all I have.

7 THE COURT: Mr. Lahann.

8 MR. LAHANN: While we're up here, might as  
9 well. Patrick Bucksath. Is he still there?

10 MS. MORALES: Yes, he is.

11 MR. LAHANN: Any special relationship with  
12 him?

13 MS. MORALES: Just work. I see him from  
14 time to time. We haven't discussed this case, but --

15 MR. LAHANN: I assume your answer would be  
16 the same, that you would have a general bias?

17 MS. MORALES: Right.

18 MR. LAHANN: If anything jumps out that's  
19 different, don't get anybody in trouble, but --

20 Okay. Thomas Christianson.

21 MS. MORALES: I don't know him.

22 MR. LAHANN: Way before your time, I think?

23 MS. MORALES: Yeah.

24 MR. LAHANN: Michael Davies?

25 MS. MORALES: No.

1 MR. LAHANN: Robert Duncan?

2 MS. MORALES: No.

3 MR. LAHANN: Felipe Gonzalez?

4 MS. MORALES: There is the other one.

5 MR. LAHANN: Kirsten Harzewski?

6 MS. MORALES: I've met her once at a

7 training.

8 MR. LAHANN: Is she up in Santa Fe now?

9 MS. MORALES: Yes, or in Albuquerque,

10 somewhere.

11 MR. LAHANN: No special affinity?

12 MS. MORALES: No, she taught me a class.

13 MR. LAHANN: Okay. Wesley Lacuesta?

14 MS. MORALES: No.

15 MR. LAHANN: Marco Martinez?

16 MS. MORALES: No.

17 MR. LAHANN: Richard Matthews?

18 MS. MORALES: No.

19 MR. LAHANN: Warren Pershall?

20 MS. MORALES: No.

21 MR. LAHANN: Norman we've talked about.

22 MS. MORALES: Um-hum.

23 MR. LAHANN: Jeff Smith?

24 MS. MORALES: No.

25 MR. LAHANN: Albert Venegas?

1 MS. MORALES: No.

2 MR. LAHANN: He used to be with the  
3 undercover unit. I think he's in Artesia now.

4 MS. MORALES: I think I've heard his name,  
5 but I've never met him.

6 MR. LAHANN: Alvino Vigil?

7 MS. MORALES: No.

8 MR. LAHANN: William Vista?

9 MS. MORALES: No.

10 MR. LAHANN: And Richard Williamson?

11 MS. MORALES: No.

12 THE COURT: Okay. Okay. I'll let you  
13 follow up.

14 MR. LAHANN: Thank you, Judge.

15 THE COURT: Mr. Sindel, why don't you come  
16 up here?

17 MR. SINDEL: I'm Richard Sindel. It's kind  
18 of closed in here. Your boss brought this up to you,  
19 and when you told him, "Look, I'm going to go in this  
20 case that a lot of our officers that you just heard  
21 are involved in."

22 MS. MORALES: Right.

23 MR. SINDEL: Even before he brought it up,  
24 you knew there was an issue for you?

25 MS. MORALES: I had suspected, and I was

1     like, no, is that the same name? Am I reading this  
2     right? I wasn't --

3             MR. SINDEL: But as soon as you made that  
4     connection --

5             MS. MORALES: Yeah.

6             MR. SINDEL: -- you said, "Wait a minute,  
7     this is an issue"?

8             MS. MORALES: Yeah.

9             MR. SINDEL: It wasn't because your boss  
10    said it so much as both of you agreed this is a  
11    problem --

12            MS. MORALES: And they explained to me what  
13    I should be -- how to approach this once I get here.

14            MR. SINDEL: And you're doing very good.

15            MS. MORALES: Thanks.

16            MR. SINDEL: And I guess, I mean, let's  
17    just be real. Your thumb is on the other side of the  
18    scale?

19            MS. MORALES: I don't want it to be. I  
20    would like to be impartial. I do have a bachelor's  
21    in criminal justice. I understand the system. But I  
22    also understand I don't want to come in already  
23    pulling for one side, already, you know, rooting for  
24    the home team.

25            MR. SINDEL: And that's exactly right.



1 Rooting for the home team.

2 MS. MORALES: I don't want that at all.

3 MR. SINDEL: And Mr. Beck asked you a lot  
4 of questions about instructions from the Court.

5 MS. MORALES: Right.

6 MR. SINDEL: If the Court says, "Well, I'm  
7 going to tell you it's daytime here at 9:00 p.m. at  
8 night," that's the instruction, but you're going to  
9 say, I'm not sure I could follow that instruction  
10 because what I know about my position and what I know  
11 about these people, it's going to be almost  
12 impossible for me to be fair and impartial; true?

13 MS. MORALES: It would be difficult, yes.

14 MR. SINDEL: Thank you.

15 THE COURT: Mr. Cooper.

16 MR. COOPER: It's okay to have feelings one  
17 way or another. That's okay. We all have feelings  
18 and attitudes. All those attitude, feelings, and  
19 pressures that we have are shaped by our experiences,  
20 and you have an experience of working with New Mexico  
21 State Police, working for the Department of Public  
22 Safety for --

23 MS. MORALES: Seven years.

24 MR. COOPER: Seven years. And it's hard to  
25 change that and it's hard not to have those feelings

1 and be biased and lean one way or another and just  
2 totally disregard that. Now, because you have worked  
3 for New Mexico State Police for so long, all of your  
4 friends and your -- everybody you see all day long  
5 also are state police supporting people, aren't they,  
6 for the most part?

7 MS. MORALES: Yes, we have a few in our  
8 group that don't talk about work.

9 MR. COOPER: But for the most part, anytime  
10 the 19 individuals that Mr. Lahann just read off --

11 MS. MORALES: Right.

12 MR. COOPER: -- all of them, if they're not  
13 employed there now, they were, and so they were  
14 brothers just like the guys that are there presently?

15 MS. MORALES: Yes.

16 MR. COOPER: And you would lend them a  
17 little more credibility than you would somebody  
18 that's not in this group of New Mexico State Police  
19 officers; correct?

20 MS. MORALES: That's what I'm going to say,  
21 yes.

22 MR. COOPER: And that's a real fear, isn't  
23 it?

24 MS. MORALES: I want to be fair.

25 MR. COOPER: That's good. We want you to

1 be fair. I think that's all we're trying to do is  
2 find 12 jurors that can be fair and impartial, 12  
3 jurors that don't have a preconceived notion and lean  
4 one way or another. We want people who, given their  
5 experiences, can sit and fairly judge my client.

6 MS. MORALES: Right.

7 THE COURT: And if you were sitting where  
8 my client is, would you want somebody just like  
9 yourself sitting in that jury box judging you?

10 MS. MORALES: Probably not.

11 MR. COOPER: Probably not.

12 MS. MORALES: Probably not. I mean, like,  
13 well, my lawyer is good enough to change my mind,  
14 but...

15 MR. COOPER: But you wouldn't want me to  
16 have to have or give the Government a 50-yard head  
17 start in that hundred-yard dash, would you?

18 MS. MORALES: Right.

19 MR. COOPER: And it's not fair; right?

20 MS. MORALES: Yes.

21 MR. COOPER: And it's okay that you cannot  
22 be fair and impartial, but do you think perhaps that  
23 you ought to be sitting on some other jury rather  
24 than this?

25 MS. MORALES: That's why I wanted to have

1 this little chitchat.

2 MR. COOPER: And we're glad you did. I  
3 think it's really, really important that we have  
4 these sorts of conversations, because I know that you  
5 wouldn't want to be sitting next to me if there was  
6 going to be a parade: These are the Government  
7 witnesses.

8 MS. MORALES: Right.

9 MR. COOPER: The Government is going to  
10 call 19 New Mexico State Police officers. They're  
11 also going to call nine Department of Public Safety  
12 employees.

13 MS. MORALES: Wow.

14 MR. COOPER: And you probably have heard  
15 those names? Or Shirley Garcia?

16 MS. MORALES: No.

17 MR. COOPER: Margo -- maybe you haven't,  
18 but you're under the --

19 MS. MORALES: Umbrella.

20 MR. COOPER: Correct. And you would  
21 likewise give them much more credibility than you  
22 would somebody that I perhaps may call?

23 MS. MORALES: Yes.

24 MR. COOPER: Is that a yes?

25 MS. MORALES: Yes. Sorry. I forget there

1 is a microphone.

2 MR. COOPER: That's okay. So at the end of  
3 the day, do you think you could be fair and  
4 impartial, no matter what the judge --

5 MS. MORALES: Probably not, no.

6 MR. COOPER: Probably not, no. So again  
7 that answer was --

8 MS. MORALES: No.

9 MR. COOPER: Okay. I don't believe I have  
10 any further questions of you, Ms. Morales. Thank you  
11 very much.

12 THE COURT: Anybody else, defendants? Any  
13 other questions? All right. Thank you, Ms. Morales.

14 MR. SINDEL: Go get a drink of water.

15 THE COURT: Are y'all covering the screen  
16 like you did in the last trial when you come up here?

17 MR. BECK: I think so.

18 THE COURT: For the bench conferences.  
19 Make sure that you when you come up here, you put  
20 something over the screens so they can't -- if you're  
21 looking straight on, you can still read it.

22 MS. ARMIJO: It's so Mr. Castellano can  
23 read it at the table.

24 THE COURT: Ms. Wild, why don't you go over  
25 there and look.

1 MR. BENJAMIN: I think the Court knows  
2 where I'm looking. Essentially one seat back from  
3 Gayle Wise. I believe she's juror number 22. I  
4 wanted to bring this to the Court's attention: The  
5 last bench conference she asked, "Are you guys  
6 lawyers?" Just generally asking.

7 I said, "Ma'am, I'm a lawyer. I can't talk  
8 to you in this case." And the gentleman to her -- to  
9 the Court's right, to my left as I'm looking at it,  
10 Mr. Skousen, gave her the same admonishment.

11 THE COURT: She's asking if y'all are  
12 lawyers?

13 MR. BENJAMIN: She was curious.

14 THE COURT: Well, we'll take a break in 30  
15 minutes. I'll talk to them about not having contact.

16 MR. BENJAMIN: The gentleman to her right  
17 gave her more admonishing than I did.

18 THE COURT: Okay. He must be an  
19 experienced juror.

20 Remind me your name.

21 MR. MEYER: Charles Meyer.

22 THE COURT: Okay. Where were you sitting,  
23 Mr. Meyer?

24 MR. MEYER: I was sitting right in the  
25 second row on the side.

1 THE COURT: All right. I've got you, Mr.  
2 Meyer. What have you read or heard about this case?

3 MR. MEYER: Okay. I don't know if this  
4 qualifies for preknowledge, but simply yesterday, out  
5 of curiosity, I did a simple Google search and an  
6 article from the Las Cruces Sun came up. I glanced  
7 at it, about the security concerns for the Federal  
8 Courthouse. And that's about it. That's the extent  
9 of it.

10 THE COURT: Now, I'm not aware -- everybody  
11 in the room may be aware more than I am. I'm not  
12 aware of any press about this case. Was this an  
13 article about this case starting today?

14 MR. MEYER: Yeah. In fact, the word you  
15 said, Sindicato de Nuevo Mexico, that was the head --  
16 it was in the Las Cruces Sun about security concerns  
17 for the federal case in Las Cruces, and it said  
18 Sindicato de Nuevo Mexico, using those words. That's  
19 why I put two and two together when you said it.

20 THE COURT: When was this article?

21 MR. MEYER: I read it yesterday.

22 THE COURT: Do you know when it was?

23 MR. MEYER: I think it was on Friday.

24 THE COURT: Friday?

25 MR. MEYER: It was Las Cruces Sun.

1 THE COURT: And you went ahead and read the  
2 article?

3 MR. MEYER: I glanced. I didn't go into  
4 extent. Out of curiosity, federal case, Las Cruces,  
5 and that popped up.

6 THE COURT: Other than that one article, is  
7 there any article that you saw and just glanced?

8 MR. MEYER: I glanced and did not look.

9 THE COURT: Why don't you tell me what you  
10 remember from the article.

11 MR. MEYER: Basically the thing I remember  
12 is just the Sindicato de Nuevo Mexico, you mentioned  
13 the name. And I didn't go into any details of the  
14 names of the individuals or -- so that would --  
15 Sindicato de Nuevo Mexico, that's the only thing I  
16 remember.

17 THE COURT: All right. Anything else you  
18 remember about the article or anything?

19 MR. MEYER: No. In fact, I was aware that  
20 I better not keep on reading this.

21 THE COURT: Okay. So you stopped?

22 MR. MEYER: I stopped.

23 THE COURT: And you don't remember  
24 anything?

25 MR. MEYER: No, I don't remember names or



1 details. But the main article was about security  
2 concerns. That's what it was about.

3 THE COURT: Okay. Do you remember anything  
4 it said about security concerns?

5 MR. MEYER: It just said that because it's  
6 a gang-affiliated case, there were security concerns.

7 THE COURT: Okay. Is there anything about  
8 what you read or know about this case or SNM or  
9 anything that would keep you from being fair and  
10 impartial to the parties in this case?

11 MR. MEYER: No.

12 THE COURT: And you don't recall anything  
13 else that you know or read about the case?

14 MR. MEYER: No. In fact, I was doing --  
15 the Google searches are dangerous. I stopped.

16 THE COURT: You stopped. Mr. Beck.

17 MR. BECK: Good morning, Mr. Meyer.

18 MR. MEYER: Good morning.

19 MR. BECK: You said that you remembered the  
20 name from the article. Is the name -- what name is  
21 it that you remember?

22 MR. MEYER: I remember both the Spanish  
23 names, Sindicato de Nuevo Mexico, and those are the  
24 names.

25 MR. BECK: Okay. And my understanding of

1     what you said is that once you saw the article, saw  
2     what it was about, you didn't read the article? You  
3     glanced at it, then realized you should stop reading?

4             MR. MEYER: Yes.

5             MR. BECK: Was that because you knew from  
6     the jury questionnaire and instructions that you  
7     shouldn't do any research?

8             MR. MEYER: I had been a juror before. I  
9     didn't want to be biased in one direction, so I  
10    better not get into that.

11            MR. BECK: Do you recall you did fill out a  
12    questionnaire in this case?

13            MR. MEYER: Yes.

14            MR. BECK: Do you recall -- and if you  
15    don't, that's fine -- do you recall what the jury  
16    questionnaire said, if anything, about doing research  
17    on the names?

18            MR. MEYER: No.

19            MR. BECK: So at the time that you did the  
20    Google search, you didn't recall anything like that  
21    in the questionnaire?

22            MR. MEYER: No.

23            MR. BECK: I think the judge asked you this  
24    question, but do you even know -- do you even know if  
25    that article was written about this case or some case

1 before this?

2 MR. MEYER: Well, the reason I connected  
3 the dots, that's the first thing you said, and that's  
4 the first thing the article said.

5 MR. BECK: So other than the judge  
6 mentioning the name Sindicato de Nuevo Mexico and you  
7 knowing that from reading it, is that the only way?

8 MR. MEYER: That's the only way.

9 MR. BECK: That's the only way. I think  
10 you answered this for the judge, but I just want to  
11 make sure I'm clear. Reading that article, whatever  
12 it was about, would you be able to set aside what  
13 you've heard, what you've read, and just decide this  
14 case from the judge's instructions on the evidence  
15 presented to you here in court?

16 MR. MEYER: Yes.

17 MR. BECK: And you've done that before as a  
18 juror; right?

19 MR. MEYER: Yes.

20 MR. BECK: And in your previous jury  
21 experience, were you able to set aside whatever  
22 notions you had?

23 MR. MEYER: Oh, yes.

24 MR. BECK: Do you feel like you could do  
25 that?

1 MR. MEYER: Definitely.

2 MR. BECK: And I think you heard the judge  
3 give instructions or a little statement of the case a  
4 few moments ago about what this case is about; is  
5 that right?

6 MR. MEYER: Yes, seven individuals that  
7 are -- yes.

8 MR. BECK: And if there are allegations  
9 that murders occurred on behalf of the Sindicato,  
10 even given what you read about security concerns, are  
11 you able to be fair and impartial in this case?

12 MR. MEYER: Yes.

13 THE COURT: Thank you. Mr. Benjamin. Mr.  
14 Sindel.

15 MR. SINDEL: Richard Sindel. How are you?  
16 You have been in this spot before if you served on a  
17 jury.

18 MR. MEYER: It was in Las Vegas, New  
19 Mexico. I used to live there. Now I live in  
20 Albuquerque.

21 MR. SINDEL: When you said "security  
22 concerns," do you remember if there was anything in  
23 the article describing the concerns or steps that  
24 were taken?

25 MR. MEYER: No, I didn't go -- I basically

1 read the first paragraph, and that was it.

2 MR. SINDEL: And Mr. Beck has pointed out  
3 there was something in the questionnaire about not  
4 doing research. And look, we're all curious, and  
5 Google is like having an Encyclopedia Britannica on  
6 your desk. Do you feel comfortable saying, "If I'm  
7 going to be a juror on this case, I have to rely only  
8 on what comes from the witness chair and what the  
9 instructions of the Court are and stipulations that  
10 the parties make," and you're not to Google it? It  
11 doesn't have anything to do with this courtroom?

12 MR. MEYER: Yes, I do.

13 MR. SINDEL: Are you comfortable with that?

14 MR. MEYER: Yes.

15 MR. SINDEL: Thank you. I appreciate it  
16 very much.

17 THE COURT: Thank you, Mr. Sindel.  
18 Mr. Blackburn.

19 MR. BLACKBURN: No questions.

20 THE COURT: Mr. Meyer, thank you. I  
21 appreciate it.

22 Why don't y'all stay up here?

23 (The following proceedings were held in  
24 open court.)

25 THE COURT: Is there anyone else, any

1 member of the panel that's heard or read anything  
2 about this case that you need to discuss up here at  
3 the bench?

4 All right. Did y'all need to say something  
5 to me?

6 (The following proceedings were held at the  
7 bench.)

8 MS. HARBOUR-VALDEZ: Your Honor, we have  
9 agreed to juror number 36, the man who says he has  
10 language issues.

11 THE COURT: All right.

12 MS. HARBOUR-VALDEZ: And 54, the young man  
13 who said he has a disability and can't pay attention  
14 and can't drive himself.

15 THE COURT: 36?

16 MS. HARBOUR-VALDEZ: And 54.

17 MS. ARMIJO: And I think their  
18 questionnaires definitely had issues.

19 THE COURT: Oh, Mr. Plata and Mr.  
20 Gutierrez.

21 MS. HARBOUR-VALDEZ: A majority of their  
22 questionnaires were blank.

23 THE COURT: I'll have Ms. Wild excuse them.

24 MS. HARBOUR-VALDEZ: Thank you, Your Honor.

25 MR. SINDEL: Will 36 and 54 come back?

1 THE COURT: There will be a space.

2 (The following proceedings were held in  
3 open court.)

4 THE COURT: All right. Let me just ask  
5 again, has anyone else heard or read anything about  
6 the case?

7 All right. I'm now going to ask the  
8 counsel -- let me make sure my microphone is on. I  
9 didn't remember to do that. I will now ask the  
10 counsel for the Government to introduce themselves  
11 and counsel associated in the trial, as well as  
12 witnesses who will testify on the Government's  
13 presentation of its case-in-chief.

14 So Mr. Beck, are you going to do that?

15 MR. BECK: Yes. May we approach?

16 (The following proceedings were held at the  
17 bench.)

18 THE COURT: Are you going to object to you  
19 introducing yourself?

20 MR. BECK: I was going to try. I just  
21 wanted to make sure that I was clear on the procedure  
22 here. I had it, then I lost my mind when we were  
23 doing everything. Are the counsel able to stand to  
24 introduce themselves and the clients sit, or are we  
25 all sitting through this?

1 THE COURT: No, when counsel are talking,  
2 they can go ahead and stand. And then, when the  
3 defendants are introducing. So your people that  
4 you're introducing, like Mr. Acee and, you know,  
5 people like that, just have them sit, because that's  
6 what the defendants are going to do, too. They  
7 shouldn't stand, but counsel can stand while they're  
8 being introduced or talking.

9 MR. BLACKBURN: For us, I think Mr. Cooper  
10 is going to read off the names of everybody.

11 THE COURT: I'll call on Mr. Cooper, then.  
12 But y'all want to introduce yourselves. This is your  
13 first chance to talk to the jury. I'll call  
14 individually Mr. Cooper.

15 MR. BECK: We aren't calling the witness  
16 list?

17 THE COURT: We are.

18 MR. BECK: I better start working on that.

19 THE COURT: You have to do it sometime.

20 (The following proceedings were held in  
21 open court.)

22 THE COURT: All right. So Mr. Beck, do you  
23 want to introduce the counsel for the Government and  
24 counsel associated with you here in the trial? And  
25 then the witnesses who will testify on the



1 Government's presentation of its case-in-chief.

2 MR. BECK: Yes, Your Honor.

3 THE COURT: Mr. Beck.

4 MR. BECK: Good morning. Sorry for  
5 everybody behind me. My name is Matthew Beck.  
6 Appearing with me at counsel table here is Maria  
7 Armijo and Randy Castellano. We're the assistant  
8 United States Attorneys prosecuting this case. Also  
9 with us this morning are Wendy Pura, who will be  
10 helping us for the next couple of days, and then  
11 Special Agent Bryan Acee, Special Agent Nancy Stemo.

12 The witnesses that we'll be calling during  
13 this trial are Javier Alonso, a/k/a Wino, and if  
14 anyone can't hear me, just raise your hand or throw  
15 something at me. Okay.

16 That was a test. You could hear me because  
17 you raised your hand. That's all right.

18 Our first witness will be Javier Alonso,  
19 a/k/a Wino. Gerald Archuleta, a/k/a Styx. Manuel  
20 Jacob Armijo, a/k/a Big Jake. Rena Blea, Kyle  
21 Bridgman, Karen Cartwright, Brandon Chavez, Benjamin  
22 Clark, a/k/a Cyclone. Billy Cordova, a/k/a Little  
23 Shadow. Richard Gallegos, a/k/a Dopey. James  
24 Garcia, a/k/a Daffy; Phillip Gonzalez, a/k/a Grumpy.  
25 Samuel Gonzalez. Jose Gomez, a/k/a Tiny. Sammy

1 Griego, a/k/a Sammy G. Ruben Hernandez, Jeremy  
2 Kaiser, Robert Lovato, a/k/a Boo Boo. Leroy Lucero,  
3 a/k/a Smurf. Leonard Lujan, Yvonne Madrid, Eugene  
4 Martinez, a/k/a Little Guero. Robert Martinez, a/k/a  
5 Baby Rob. Roy Martinez, a/k/a Shadow. Timothy  
6 Martinez, a/k/a Red. Josh Mirka. Ray Molina, a/k/a  
7 Boxer. John Montano, a/k/a John-John. Mario  
8 Montoya, a/k/a Poo Poo. Steven Morales, a/k/a  
9 Cyclone. Frederico Munoz, a/k/a Playboy. Daniel  
10 Orndorff, a/k/a Sleepy. Joseph Otero, Charlene  
11 Parker-Johnson, Fred Quintana, a/k/a Flaco. Brian  
12 Rascon, a/k/a Cokes. Raymond Rascon, a/k/a Fuzz.  
13 Paul Rivera, a/k/a Oso. Mario Rodriguez, a/k/a Blue.  
14 Willie Romero, a/k/a Demon. Sapphira Serrano, Amber  
15 Sutton, Michael Sutton, Lawrence Torres, Jesse  
16 Trujillo, Jason Van Veghel, Leroy Vallejos, Eric  
17 Young, Shauna Gutierrez, Joe Martinez, Augustine  
18 Saenz, Albert Sanchez.

19 We may call someone from the following  
20 organizations: Dona Ana Detention Center, the  
21 Hidalgo County Detention Center, the Otero County  
22 Prison Facility, Santa Fe County Correctional  
23 Facility, Sandoval County Detention Center, Cricket  
24 Communications, Incorporated, and T-Mobile.

25 And from the Dona Ana County Detention

1 Center, Patrick Howie. From the Federal Bureau of  
2 Investigation, Bryan Acee, Tiffany Smith. From the  
3 New Mexico Corrections Department, Ruben Alvidrez,  
4 Louie Baca, Chris Barela, Christopher Cupit, Eloy  
5 Flores, Marcello Garcia, Noah Green, Ronald Martin,  
6 Raymond Martinez, Ralph Mintz, David Morales, Richard  
7 Norman, James Pedraza, Renee Perea, William Roach,  
8 Jesus Sandoval, Sergio Sapien, Jerry Spiers, Roberta  
9 Stellman, Lee Spooner, Rosalind Renee Williams, Jerry  
10 Roark.

11 From the New Mexico Department of Public  
12 Safety, Shirley Garcia, Margo Mikeska, Jennifer Otto,  
13 Kristin Radecki, Tiffany Smith, Kevin Strain, Eve  
14 Tokumaru, Teresa Vigil, Tracy Zehringer.

15 From the New Mexico State Police, Thomas  
16 Shane Arthur, George Bernal, Patrick Bucksath, Thomas  
17 Christian, Sr.; Michael Davies, Robert Duncan, Felipe  
18 Gonzalez, Kiersten Harzewski, Wesley Lacuesta, Marco  
19 Martinez, Richard Mathews, Warren Pershall, Norman  
20 Rhoades, Jeffrey Smith, Albert Venegas, Alvino Vigil,  
21 William Weisler, Richard Williamson, Paul Chavez,  
22 Clay Goret.

23 From the Office of the Medical  
24 Investigator, Anne Bracey, Carolyn Lucero, Ian Paul,  
25 Laura May Williams, Amy Elizabeth Wright, Cecilia Wu,

1 Ross Zumwalt.

2 From the Socorro County Sheriff's Office,  
3 Kacey McFadden, Manuel Monte, State Fire Marshal Bill  
4 Farmer.

5 From the Valencia County Sheriff's Office,  
6 Roque Fernandez, Otto King, Clayton Martinez, James  
7 Sanchez. We may also call Charlene Baldizan, Maxine  
8 Burns, Angelina Gallegos, Matt Lucero.

9 From the Federal Bureau of Investigation,  
10 Thomas Neale, Lance Roundy, Joseph Sainato, Nancy  
11 Stemo.

12 From the New Mexico Corrections Department,  
13 Adam Anaya, Eleanor Suzanne Dunn, Elizabeth Larson,  
14 Jim Moore, James Mulheron, George Ochoa, Anthony  
15 Romero, and Nancy Smith.

16 From the New Mexico State Police, Joe  
17 Andazola, Nathan Lucero, Janice Madrid, Elizabeth  
18 Martinez.

19 And from the Office of the Medical  
20 Investigator, Carol Shirreffs.

21 THE COURT: All right. Let me add a  
22 couple, maybe four names, to the list. This is the  
23 U.S. Attorney's Office that Mr. Beck is a part of.  
24 The current U.S. Attorney is a man named John  
25 Anderson. His immediate prior predecessor was Fred

1 Federici, and then before that the acting U.S.  
2 Attorney was James Tierney, and the one before that  
3 was Damon Martinez. So I think I've gotten the  
4 people that were there.

5 And so the question I have: Do any jurors  
6 know any of the people that I just mentioned, Mr.  
7 Beck introduced at the table, or any of the people  
8 that he listed as witnesses? Has anybody had any  
9 knowledge of those people?

10 All right. Why don't you come up so I can  
11 talk to you up here at the bench.

12 Anybody else, if you know any of these  
13 people, why don't you come up here to the bench and  
14 we'll talk about it.

15 Have any of you had any business dealings  
16 with them? Anybody been represented by the attorneys  
17 that were there? Some of the attorneys were in  
18 private practice before they went to the U.S.  
19 Attorney's Office. So any names that you recognize,  
20 or been represented by any firms that they might have  
21 been part of? If you need to come up, come on up  
22 here and line up.

23 Anybody been a party to any case with the  
24 U.S. Attorney's Office? Had any sort of that  
25 experience? Any sort of similar relationship,

1 business connection with any person that Mr. Beck  
2 mentioned or introduced, or the four lawyers that I  
3 introduced as part of the U.S. Attorney's Office?

4 All right. So let me have the fog.

5 (The following proceedings were held at the  
6 bench.)

7 THE COURT: All right. How are you doing  
8 today?

9 MS. CARDENAS: Good.

10 THE COURT: You'll have to remind me of  
11 your name. I didn't see where you were coming from.

12 MS. CARDENAS: Amy Cardenas.

13 THE COURT: Where were you sitting?

14 Okay, Ms. Cardenas, who did you know on the  
15 list or the introduction that Mr. Beck gave?

16 MS. CARDENAS: Sergio Sapien. He worked  
17 for the Prisons.

18 THE COURT: He worked for the Prisons. And  
19 what is your relationship -- who are -- how do you  
20 know Mr. Sapien?

21 MS. CARDENAS: I just know the whole  
22 family. I've known them since high school, and I'm  
23 good friends with the sister.

24 THE COURT: All right. And so how well do  
25 you know -- I know you may know the family. How well

1 do you know Mr. Sapien?

2 MS. CARDENAS: I haven't talked to him in  
3 years.

4 THE COURT: Years, okay. When you say  
5 "years," would you say more than three years ago?

6 MS. CARDENAS: Yeah.

7 THE COURT: More than five years?

8 MS. CARDENAS: Like 10.

9 THE COURT: Okay. So it's been 10 years.  
10 What was your relationship with him?

11 MS. CARDENAS: Just friends. They're  
12 family friends.

13 THE COURT: And do you know from the family  
14 that he's still working at the prison?

15 MS. CARDENAS: Um-hum.

16 THE COURT: Okay. Do you have -- if he  
17 were to testify, would you just automatically,  
18 because of your relationship, believe whatever you  
19 said?

20 MS. CARDENAS: No.

21 THE COURT: You'd treat him -- you'd be  
22 able to treat him like any other witness?

23 MS. CARDENAS: Um-hum.

24 THE COURT: So if somebody were to show  
25 some evidence or to contradict something he said, you

1 think you'd be able to treat him like any other  
2 witness and listen to when he's telling the truth and  
3 make a credibility determination just like any other  
4 witness?

5 MS. CARDENAS: Um-hum.

6 THE COURT: Okay. A little bit more broad  
7 and general question. Knowing him, do you think you  
8 could be fair and impartial to all the parties here?

9 MS. CARDENAS: Yes.

10 THE COURT: Mr. Beck?

11 MR. BECK: Good morning.

12 MS. CARDENAS: Good morning.

13 MR. BECK: You're going to punish me for  
14 this, but it will happen a lot. I'm going to ask you  
15 some of the same questions, because I don't think we  
16 got a verbal yes. I think the judge asked you,  
17 knowing what you do about Mr. Sapien, if you could  
18 still treat him like any other witness that may come  
19 into the trial and testify on the stand.

20 MS. CARDENAS: Yes.

21 MR. BECK: And if someone presents some  
22 evidence that may show that Mr. Sapien is not being  
23 fully truthful or not telling the truth, will you be  
24 able to treat him like any other witness and believe  
25 him just based on the evidence in court and not what



1 you know about him personally?

2 MS. CARDENAS: No, I mean it would be  
3 from -- based off --

4 MR. BECK: So I think your answer to that  
5 question is: You would treat him like any other  
6 witness?

7 MS. CARDENAS: Yes.

8 MR. BECK: And not because you know him  
9 personally?

10 MS. CARDENAS: No.

11 THE COURT: All right. Thank you, Mr.  
12 Beck.

13 Mr. Sindel.

14 MR. SINDEL: Just a few questions. Richard  
15 Sindel is my name. How are you?

16 MS. CARDENAS: Good.

17 MR. SINDEL: Has he ever talked to you  
18 about work or --

19 MS. CARDENAS: No, I haven't talked to him  
20 in a few years. I just know him through the family.

21 MR. SINDEL: So it's pretty much  
22 word-of-mouth rather than eyeball-to-eyeball like we  
23 are now?

24 MS. CARDENAS: Correct.

25 MR. SINDEL: Thank you, ma'am.

1 MS. CARDENAS: You're welcome.

2 THE COURT: Anybody else?

3 All right, Ms. Cardenas. Thank you,

4 Ms. Cardenas.

5 You'll have to remind me your name.

6 MR. DONART: Donart. D-O-N-A-R-T.

7 THE COURT: Where were you sitting, Mr.

8 Donart?

9 MR. DONART: Back over there.

10 THE COURT: I got you. You're sitting in  
11 the second row. Okay, Mr. Donart, who did you  
12 recognize?

13 MR. DONART: Mr. Acee from the FBI.

14 THE COURT: Okay. And so anyone else off  
15 that list or introductions?

16 MR. DONART: No.

17 THE COURT: How do you know Mr. Acee?

18 MR. DONART: He's -- one of my best high  
19 school buddies is friends with him. I've met him a  
20 couple of times. My kids go to the same school. I'm  
21 not close to him personally.

22 THE COURT: Has he been in your home?

23 MR. DONART: No.

24 THE COURT: Have you been in his home?

25 MR. DONART: No.

1 THE COURT: I don't want to put words in  
2 your mouth. Picking up kids at school, you see him,  
3 know who he is.

4 MR. DONART: Right.

5 THE COURT: Can you give me, like, the  
6 longest conversation you've had with Mr. Acee?

7 MR. DONART: Just a couple minutes.

8 THE COURT: A couple minutes. Okay. And  
9 other than you know he's with the FBI, did you know  
10 he was before you came in here?

11 MR. DONART: The FBI SWAT team.

12 THE COURT: Did you ever talk to him about  
13 his work?

14 MR. DONART: Not directly, no.

15 THE COURT: Have you ever talked to him  
16 about this case?

17 MR. DONART: No.

18 THE COURT: Have you formed an impression  
19 about Mr. Acee so that if he were to take the stand,  
20 do you think just because of what you know about Mr.  
21 Acee, you just automatically believe him, or would  
22 you treat him like any other witness?

23 MR. DONART: I have a high opinion of him  
24 just because I know my friend well, and he's a good  
25 judge of character. But again...

1 THE COURT: What has your friend maybe told  
2 you about Mr. Acee?

3 MR. DONART: Just that I believe they were  
4 going to the same church, is how he knew him. He was  
5 on the FBI SWAT team. They went out shooting a  
6 couple of times. That's about it.

7 THE COURT: Now, if somebody were to  
8 introduce some evidence or cross-examine him and  
9 present evidence to you that Mr. Acee was being  
10 inaccurate or not telling the truth, do you think  
11 you'd be able to listen to that evidence and  
12 determine his credibility solely upon what is being  
13 demonstrated to you here in this courtroom, or do you  
14 think you're going to come in here and think he's  
15 credible regardless of what anybody does or shows  
16 you?

17 MR. DONART: I'd have to weigh each  
18 evidence as it comes, I guess. But again, knowing my  
19 friend's opinion of him, I'd lean a little more that  
20 direction, but I can't say I would believe everything  
21 he had to say.

22 THE COURT: Okay. So let me ask you this.  
23 It may be a little bit repetitious. Do you think you  
24 could treat him like any other witness and determine  
25 his credibility from what you see here in the

1 courtroom rather than what your friend said or  
2 anything you've seen outside of the courtroom?

3 MR. DONART: I think so.

4 THE COURT: And Mr. Acee, sitting over at  
5 this table, he's sitting with the Government's side,  
6 do you think you could be fair and impartial to  
7 everybody in the courtroom here?

8 MR. DONART: I think so.

9 THE COURT: Okay. Is there any doubt in  
10 your mind that you could be fair and impartial?

11 MR. DONART: You know, nobody like gangs or  
12 drugs, but I think pretty much everybody probably has  
13 a little -- some bias coming in, but other than  
14 that...

15 THE COURT: All right. Nobody has to like  
16 drugs, so that's -- we've got a lot of laws about  
17 drugs in our society. So if you're probably the  
18 majority, you don't have to like drugs. And there is  
19 going to probably be some discussion of drugs here.  
20 But given that, can you be fair and impartial to  
21 these men here and not make them start with any sort  
22 of presumption that they have to overcome?

23 MR. DONART: I think so.

24 THE COURT: Okay. Because they're going to  
25 be presumed innocent. You would agree with that?

1 MR. DONART: (Nods.)

2 THE COURT: If gangs are -- we're going to  
3 be talking about gang affiliation.

4 MR. DONART: (Nods.)

5 THE COURT: Being a member of the gang is  
6 not enough to commit any crime. Do you know that?

7 MR. DONART: I know that.

8 THE COURT: So you -- being a member of a  
9 gang may not be your cup of tea, but given being in a  
10 gang is not a crime, do you think you could be fair  
11 and impartial to anybody that's in the room?

12 MR. DONART: I think so.

13 THE COURT: Mr. Beck.

14 MR. BECK: The judge was just talking to  
15 you about the drugs and gang parts of this case, and  
16 it sounds like you can come into this case and set  
17 those things aside and be fair and impartial to the  
18 defendants here based on the evidence and information  
19 presented in court; is that right?

20 MR. DONART: I believe so. I've never done  
21 jury duty before, but...

22 MR. BECK: And if the judge instructs you  
23 that's your duty as a juror to set aside your  
24 preconceived notions and just render a verdict based  
25 on what you hear in court, can you follow that

1 instruction?

2 MR. DONART: I believe so.

3 MR. BECK: And even given what you know  
4 about your friend, about what he said about Special  
5 Agent Acee, can you still follow that instruction as  
6 it relates to Special Agent Acee?

7 MR. DONART: I think so.

8 MR. BECK: And even though you may have had  
9 conversations with Special Agent Acee and your  
10 friend, will you still be able to come in and presume  
11 these men innocent until the United States proves  
12 guilt beyond a reasonable doubt?

13 MR. DONART: I believe so.

14 MR. BECK: And as the judge said, if there  
15 is cross-examination of Special Agent Acee that comes  
16 to maybe question his credibility, will you be able  
17 to set aside what you know about him and take him as  
18 any other witness?

19 MR. DONART: I think so.

20 MR. BECK: And you said, I think -- I don't  
21 want to push you, but you're going to have to take  
22 the oath to follow the judge's instructions. So if  
23 the judge instructs you that's your duty, will you be  
24 able to follow that instruction?

25 MR. DONART: Yes.

1 MR. BECK: And what's your friend's name?

2 MR. DONART: Dana Parmenter,

3 P-A-R-M-E-N-T-E-R.

4 MR. BECK: And is Mr. Parmenter employed by  
5 law enforcement?

6 MR. DONART: No.

7 MR. BECK: And we had our list a little bit  
8 mixed up at the beginning, but you were the one who  
9 said you're sitting for your dental boards; is that  
10 right?

11 MR. DONART: Not boards, but the DAT  
12 entrance exam.

13 MR. BECK: I know what that is. I just  
14 want to make sure I had my faces lined up.

15 MR. DONART: Studying.

16 MR. BECK: We've all been through tests  
17 like that.

18 Thank you. That's all I've got.

19 THE COURT: Mr. Sindel.

20 MR. SINDEL: Just a few questions. How  
21 close are you to Mr. Parmenter?

22 MR. DONART: Very close. One of my best  
23 friends since high school.

24 MR. SINDEL: So you've known him how many  
25 years? I don't want to ask you how old you are.



1 MR. DONART: 30. I've known him since  
2 probably '92.

3 MR. SINDEL: And you've maintained a very  
4 close relationship?

5 MR. DONART: Yes.

6 MR. SINDEL: Do you trust his opinion?

7 MR. DONART: Yes.

8 MR. SINDEL: If he were to tell you certain  
9 things or has told you about Agent Acee, would you  
10 tend to believe those?

11 MR. DONART: We haven't had in-depth  
12 conversations, but yes.

13 MR. SINDEL: Okay. But you know he's a  
14 friend of Agent Acee?

15 MR. DONART: Correct.

16 MR. SINDEL: And you mentioned he has  
17 respect for Agent Acee?

18 MR. DONART: Yes.

19 MR. SINDEL: And he's made it clear to you  
20 that Agent Acee is someone in the law enforcement  
21 field he does respect?

22 MR. DONART: Yes.

23 MR. SINDEL: And nowadays there is an awful  
24 lot of stuff out there about people in law  
25 enforcement not necessarily doing the right thing.

1 MR. DONART: Correct.

2 MR. SINDEL: In the news and everywhere,  
3 and would you say that Mr. Parmenter has left you  
4 with an impression that Mr. Acee is not one of those  
5 guys that was doing things that may be inappropriate  
6 or questionable?

7 MR. DONART: I wouldn't say that he  
8 discussed that specifically about his duties as an  
9 officer, but more he's a good guy.

10 MR. SINDEL: Character?

11 MR. DONART: Personal character, yes.

12 MR. SINDEL: Now, don't get mad at me, but  
13 one of the things that happened, you've never been up  
14 in this spot before, have you?

15 MR. DONART: No.

16 MR. SINDEL: We have. This is my second  
17 go-round. When people say "I think so" or "I believe  
18 so," that's a little bell in our head, you know,  
19 because we are always wanting to hear yes or no. You  
20 know, and "I think so" is like you're saying, I'm up  
21 here, I want to be fair and impartial, but I can't --  
22 I've got to hedge my bet just a bit. True?

23 MR. DONART: True.

24 MR. SINDEL: So I guess what I'm asking you  
25 is: When you answered the questions that the judge

1 posed to you, when you answered the questions that  
2 Mr. Beck posed to you and you answered every single  
3 one either "I think so" or "I believe so," do you  
4 still have some doubt in your mind whether or not you  
5 can be totally fair and impartial in this particular  
6 case because you have some opinions gained from one  
7 of your best friends for over 20 years? Would that  
8 affect your ability to be fair and impartial in this  
9 case?

10 MR. DONART: I would say that that would  
11 probably not affect me as much as just general  
12 dislike of gangs. I think that would probably sway  
13 me more, but you know, again, I'm here to do a job.

14 MR. SINDEL: May I ask him a few questions  
15 about that?

16 THE COURT: You may.

17 MR. SINDEL: So you know, I sensed in your  
18 answer and in the way you answered it, that's kind of  
19 an issue that's been sitting in your mind since the  
20 questionnaire got out?

21 MR. DONART: Right.

22 MR. SINDEL: And you've got the  
23 questionnaire; you saw certain ideas in there, what  
24 was going on, and would it be fair to say that  
25 whether you wanted to or not, you began to think

1 about that as you answered the questionnaire?

2 MR. DONART: Correct.

3 MR. SINDEL: And as you answered the  
4 questionnaire, you were trying to say, "I want to be  
5 the best juror I can, but boy, I sure don't like  
6 these gangs"?

7 MR. DONART: Correct.

8 MR. SINDEL: And you knew from the  
9 questionnaire that this is a prison gang?

10 MR. DONART: Yes.

11 MR. SINDEL: Right. And have you seen  
12 television shows, movies, things like that about  
13 prison gangs?

14 MR. DONART: Yes.

15 MR. SINDEL: Can you tell me a little bit  
16 about those?

17 MR. DONART: You mean about the shows  
18 particularly or what I know about gangs from the  
19 shows?

20 MR. SINDEL: Let's talk first about the  
21 shows themselves. Do you remember what gangs they  
22 were talking about? Was this, like, Aryan  
23 Brotherhood, the Black Guerrilla Family, the Dirty  
24 White Boys? There are all kinds of prison gangs.

25 MR. DONART: Not specific names,

1 necessarily, but generally race-based and fairly  
2 organized and actions inside and out.

3 MR. SINDEL: And the race-based thing is  
4 public, isn't it?

5 MR. DONART: Um-hum.

6 MR. SINDEL: Very right. The fact that  
7 there is these distinctions in these gangs based in  
8 large part upon race?

9 MR. DONART: Sure.

10 MR. SINDEL: So do you remember whether any  
11 of the television shows or movies that you saw had to  
12 do with a gang of Hispanic, Latino or Mexican  
13 descent?

14 MR. DONART: Yes.

15 MR. SINDEL: Can you tell me a little bit  
16 about that?

17 MR. DONART: I'm trying to think of  
18 specific shows.

19 MR. SINDEL: I don't need the names. Just  
20 a general impression you got as you watched it is  
21 what I'm asking about.

22 MR. DONART: I don't know any of the gangs,  
23 tend to be very violent, stereotypes, tattoos, drugs  
24 are often involved. I don't know. I'm not quite  
25 sure what you're --

1 MR. SINDEL: No, I understand because I'm  
2 not very good at it, but what I'm really trying to  
3 find out is: In your mind, if someone is in a prison  
4 gang, that means they're probably violent?

5 MR. DONART: Likely, yes.

6 MR. SINDEL: And they probably use or have  
7 used drugs?

8 MR. DONART: Probably.

9 MR. SINDEL: And that they have a real  
10 tight connection in a racial sense to their gang  
11 membership?

12 MR. DONART: Probably, yes.

13 MR. SINDEL: So that's a lot to set aside;  
14 true?

15 MR. DONART: True.

16 MR. SINDEL: Do you think that -- you know,  
17 when I grew up, there was a thing called "Our Gang,"  
18 the Little Rascals. That was what a gang was.  
19 That's not your impression of a gang, is it?

20 MR. DONART: No.

21 MR. SINDEL: In fact, the word means -- has  
22 a lot of connotations, rings a lot of bells; correct?

23 MR. DONART: Correct.

24 MR. SINDEL: Do you feel comfortable -- and  
25 "I think so" is not going to work -- but do you feel

1 comfortable saying, you know, "Despite what I've seen  
2 on television, maybe I read in magazines or books,  
3 talked to friends and people about, I can put all  
4 that aside and be fair and impartial in this case,"  
5 as well as knowing the case agent sitting there at  
6 the counsel table from your friend Mr. Parmenter?

7 MR. DONART: That's a great question.

8 MR. SINDEL: It really boils down to this.  
9 In this case, knowing what you know about it so far,  
10 do you think you're the right juror and can be fair  
11 and impartial, or would it be a totally different  
12 thing for you to answer that question if they weren't  
13 gangs, Agent Acee, race, and the other issues?

14 MR. DONART: I don't think that I can be  
15 100% impartial. Yeah, it would probably make a  
16 difference if there weren't gangs involved, but --

17 MR. SINDEL: And Acee?

18 MR. DONART: And Acee.

19 MR. SINDEL: So that's going to be a little  
20 bit of a hurdle for you to get over; true?

21 MR. DONART: True. How much of one, I  
22 don't know. Again, I've never done jury before,  
23 but...

24 MR. SINDEL: And you're sitting here on a  
25 blank slate?

1 MR. DONART: Yeah.

2 MR. SINDEL: But at least there is -- some  
3 writing on your slate has to do with gangs, has to do  
4 with circumstances, has to do with violence in  
5 prisons, drugs, all the things you mentioned; right?

6 MR. DONART: Correct.

7 MR. SINDEL: And that's going to be awfully  
8 hard to erase?

9 MR. DONART: I don't know.

10 MR. SINDEL: That's fair enough. We all  
11 appreciate it. Thank you, sir.

12 THE COURT: Any other defendant have any  
13 questions? Mr. Cooper?

14 MR. COOPER: Yes, thank you, Judge.

15 Mr. Donart, if you were sitting at counsel  
16 table with me and I was defending you against  
17 charges, whatever the charges may be, would you want  
18 somebody like yourself sitting in the jury box having  
19 all of these preconceived notions about gangs, about  
20 drugs, about violence, and having a friendship with  
21 Mr. Parmenter, who has a friendship with Mr. Acee,  
22 and Mr. Acee is given a lot more credibility than he  
23 otherwise would because of your relationship to  
24 Parmenter?

25 MR. DONART: Probably not.



1 MR. COOPER: So you would not want somebody  
2 like you, with your feelings and impressions, your  
3 attitudes, sitting in judgment if you were on trial  
4 here today, would you?

5 MR. DONART: Probably not.

6 MR. COOPER: And that is because you don't  
7 think that somebody like you could be fair and  
8 impartial given these issues?

9 MR. DONART: Again, I'd like to think that  
10 I can be fair and impartial, but the connections --  
11 if I knew that a juror had a connection to one of the  
12 witnesses and the preconceived --

13 MR. COOPER: And had the ideas about gangs,  
14 violence, drugs, prisons?

15 MR. DONART: Correct.

16 MR. COOPER: You wouldn't want that juror  
17 to be sitting in judgment of you; right?

18 MR. DONART: Probably not.

19 MR. COOPER: And it's okay to have these  
20 feelings. We all have these feelings, one way or  
21 another. We all lean one way or another with regard  
22 to certain issues, people, places, things, and that's  
23 if we all had different experience in life.

24 MR. DONART: Right.

25 MR. COOPER: And it's okay for you to lean

1 one way or another. All we want to do is identify  
2 people that do have those leanings, people who can  
3 tell this Court that they would not be fair and  
4 impartial. And that's not a character flaw of any  
5 sort. It is what it is.

6 MR. DONART: Right.

7 MR. COOPER: And in this case, given the  
8 issues that will be raised, you don't think you could  
9 be fair and impartial?

10 MR. DONART: Not 100%.

11 MR. COOPER: So you would not want somebody  
12 with your attitudes, feelings, impressions sitting on  
13 a jury if you were the defendant?

14 MR. DONART: If I knew ahead of time, no.

15 MR. COOPER: Thank you very much.

16 THE COURT: Mr. Blackburn.

17 MR. BLACKBURN: I just had a couple. I  
18 didn't understand in the beginning. Your children go  
19 to school with Agent Acee's children.

20 MR. DONART: Yes.

21 MR. BLACKBURN: So is it like grade school  
22 or preschool?

23 MR. DONART: They're in middle school now,  
24 but they've known them since grade school.

25 MR. BLACKBURN: And your children are

1 friends with his children?

2 MR. DONART: Or at least know of them.

3 MR. BLACKBURN: Are they in the same grade  
4 or anything like that, the same teachers?

5 MR. DONART: I think my daughter and his  
6 son are the same grade.

7 MR. BLACKBURN: In middle school, do you  
8 have one teacher the whole day, or different?

9 MR. DONART: Different teachers.

10 MR. BLACKBURN: And how often do you see  
11 his children and your children? Is that every day  
12 because aren't you the somebody that picks them up?

13 MR. DONART: They ride the bus. In  
14 elementary school I saw them occasionally.

15 MR. BLACKBURN: But your kids go to school  
16 together?

17 MR. DONART: I'm not actually sure if they  
18 go to Lincoln or not, but...

19 MR. BLACKBURN: Okay. That's all I've got.

20 THE COURT: Anybody else have any  
21 questions?

22 MR. BECK: Your Honor, may I have a few  
23 follow-up questions?

24 THE COURT: You may.

25 MR. BECK: Mr. Donart, I want to make sure

1 we're clear. We all come here with notions about  
2 gangs and drugs and violence. It sounds like it may  
3 be hard for you to get past some of those issues. Is  
4 that fair to say.

5 MR. DONART: Yes.

6 MR. BECK: Okay. But I mean --

7 MR. DONART: It's hard. I don't know about  
8 anybody else.

9 MR. BECK: You're guessing my next  
10 question. That sort of everyone else in this room  
11 has preconceived notions about gangs.

12 MR. DONART: Correct.

13 MR. BECK: And you've done very hard things  
14 before, as exhibited by studying for the DAT; right?

15 MR. DONART: Yes.

16 MR. BECK: So when the judge instructs a  
17 juror to set aside those feelings and presume each  
18 one of these men innocent until proven guilty based  
19 on guilt beyond a reasonable doubt based on the  
20 evidence in this court, can you do that?

21 MR. DONART: That was why I was leaning  
22 toward the prosecution, yes, I think that I could --

23 MR. BECK: And again --

24 MR. DONART: -- if I haven't seen it  
25 before.

1 MR. BECK: And that's why -- I don't mean  
2 to push you. I think here you say, I think, "I don't  
3 think I can be 100% impartial."

4 All your life, have you been generally a  
5 person who follows the rules?

6 MR. DONART: Yes.

7 MR. BECK: So if the rules of this Court or  
8 the judge's instructions instruct you that you have  
9 to set aside that and just hear the evidence, yes or  
10 no, can you be fair?

11 MR. DONART: Yes.

12 THE COURT: All right. Any other questions  
13 by the defendants?

14 MR. BLACKBURN: Do you want to change  
15 professions? Do you want to be one of us?

16 MR. DONART: Sorry, no.

17 THE COURT: All right. Anybody else?

18 MR. COOPER: You're one of very few people  
19 who have come up to talk about the fact that they  
20 have issues with prisons, with violence, with drugs.  
21 Nobody here likes it. None of these people that I'm  
22 standing with like that. Nobody does in our  
23 society --

24 MR. DONART: Right.

25 MR. COOPER: -- at all, but your feelings

1 were much stronger than everybody else, the other 65  
2 people out there. And --

3 MR. BECK: Your Honor, I'm going to object  
4 to this question because we haven't gotten into  
5 prison or drugs and we don't know their feelings.

6 THE COURT: Well, let me let Mr. Cooper  
7 explore. Overruled.

8 MR. COOPER: So you certainly have those  
9 concerns, and you have concerns with the fact that  
10 your children go to school with Acee, Parmenter, Mr.  
11 Parmenter is a good friend of yours, and also a good  
12 friend of Mr. Acee's. And given all of that, I know  
13 you want to be found impartial, but can you really be  
14 fair and impartial?

15 MR. DONART: Again, I believe so. And  
16 again, Mr. Acee I really don't know that well. It  
17 was more of a disclosure, I guess. So I don't know  
18 that it would sway my decision that much.

19 MR. COOPER: But the other issues might?

20 MR. DONART: It's been a little more  
21 ingrained, I guess. Pretty much a TV show that's  
22 about grand juries or drugs, but --

23 MS. HARBOUR-VALDEZ: Your Honor, just one  
24 question.

25 THE COURT: Okay.

1 MS. HARBOUR-VALDEZ: I hear you saying you  
2 want to be fair, and we obviously want everyone here  
3 to be fair, but is your feeling, your need to be  
4 fair -- does that outweigh or does that overcome all  
5 of the other issues that you have expressed concern  
6 about?

7 MR. DONART: Yes. I very much worry about  
8 sending an innocent person to jail and letting a  
9 guilty person get off, if that makes sense.

10 MR. SINDEL: I have one. We're beating you  
11 like a government mule. You said something I was not  
12 even going to ask. You said something about sending  
13 an innocent person to jail. Do you understand from  
14 the questionnaire, and the brief statement that the  
15 Court has made, that it is not a question of whether  
16 or not a person is guilty or innocent; the question  
17 is whether they have proved beyond a reasonable doubt  
18 the person's guilt.

19 MR. DONART: Right.

20 MR. SINDEL: You understand that not guilty  
21 is not proof. Do you understand that?

22 MR. DONART: Yes.

23 MR. SINDEL: Do you understand that you may  
24 end up at the end of the case saying you know this is  
25 really close, but I just don't believe that their

1 evidence rose to the standard that the Judge has  
2 instructed me on; okay?

3 MR. DONART: Right.

4 MR. SINDEL: Do you think you could do  
5 that?

6 MR. DONART: Yes, I think that I could.

7 MR. SINDEL: There we go. This hasn't been  
8 easy, is it?

9 MR. DONART: No.

10 MR. SINDEL: Everything -- you're trying to  
11 answer the question; just like all of us, you want to  
12 be fair and impartial. You're just not positive;  
13 right?

14 MR. DONART: If it was down to the balance  
15 point, would my experiences sway me? Probably. I  
16 don't know.

17 MR. SINDEL: So on that teeter-totter, that  
18 seesaw, it might be a little more on one end because  
19 of your background, because of your experiences,  
20 because of your opinions, and because of your  
21 beliefs?

22 MR. DONART: Yes.

23 MR. SINDEL: Fair enough?

24 MR. DONART: Yes.

25 MR. SINDEL: Everything I said, fair



1 enough?

2 MR. DONART: Yes.

3 MR. SINDEL: All right. Thank you.

4 THE COURT: Anyone else? Anybody else?

5 All right. Thank you, Mr. Donart.

6 K'Aun, do you think we ought to shut her

7 down? I'm going to have to take a break for

8 Ms. Bean's sake. We've been going a long time.

9 (The following proceedings were held in  
10 open court.)

11 THE COURT: All right. We'll have to pick  
12 this up after lunch. Let me talk to everybody here  
13 about a few things. We're going to go ahead and take  
14 our break. I know we didn't get started like I was  
15 hoping to this morning, because of the problems with  
16 jury services, but we'll just have to work with that  
17 and hope we pick up some steam this afternoon. We  
18 are going to be taking our first break and get some  
19 lunch.

20 Let me tell you a few things that are  
21 especially important. Until the trial is  
22 completed -- and obviously, it's a long ways from  
23 that, because we haven't really gotten the trial  
24 started -- don't discuss the case with anyone,  
25 whether it's members of your family, people involved

1 in the trial, or anyone else. And that includes your  
2 fellow jurors. So talk about something else. How  
3 cool the judge is, how the judge shouldn't seat his  
4 own jurors, something like that. But don't talk  
5 about the case, don't talk about anything that you've  
6 observed here in the courtroom. Just talk about  
7 something else. Okay.

8 If anyone approaches you and tries to  
9 discuss the trial with you, please let me know about  
10 it immediately. Also, you must not read or listen to  
11 any news reports of the trial. Again, don't get on  
12 the internet, your phones, or anything like that and  
13 do any research for purposes of this case. Don't do  
14 that.

15 And finally, remember that you must not  
16 talk about anything with any person who is involved  
17 in the trial. So don't try, take a look at the  
18 people sitting at this table, these tables. Take a  
19 look at them. If anybody is at these tables that's  
20 involved in the trial, don't talk about them about  
21 anything, even if it doesn't have anything to do with  
22 the case. Just don't contact.

23 So if you see them outside, if they're at  
24 the same restaurant or the same food stand or  
25 something you're at, and these people won't look at

1 you, don't have contact, they're not being rude.  
2 They're doing exactly what I told them to do. So  
3 just don't have any contact with them.

4 If you need to speak with me, simply give a  
5 note to one of the court security officers, the  
6 people that have the suits on, or Ms. Wild or Ms.  
7 Bevel.

8 You may hear these a lot because they're so  
9 very important. But even if you don't hear them when  
10 we take a break, do keep them in mind when you take a  
11 break.

12 When you come back to the courthouse, stand  
13 outside the courtroom. Don't come back in. So that  
14 means take your personal belongings with you. When  
15 you come back in, you're going to be seated in the  
16 same spot that are you sitting in now, but Ms. Bevel  
17 or Ms. Wild will come out and get you. So take your  
18 belongings with you and just gather outside, and  
19 we'll come and get you.

20 All right. So we'll be in recess for about  
21 an hour. Try to be back here by about 1:30 or a  
22 little before so we can try to move things and pick  
23 up some speed. All right.

24 See y'all in about an hour.

25 (The venire panel left the courtroom.)

1 THE COURT: All right. We'll see y'all in  
2 about an hour, okay.

3 (The Court stood in recess).

4 THE COURT: Why don't y'all be seated so we  
5 can get the jury. Just remember that when the jurors  
6 come in the room, nobody stand. I might stand, but  
7 no attorneys, no defendants. And then when the  
8 attorneys need to talk to the jury, you can stand,  
9 but no parties, or defendants stand.

10 Mr. Troup, are you okay with your shoes?  
11 You're okay.

12 MS. HARBOUR-VALDEZ: Yes.

13 THE COURT: Mr. Andrew Gallegos, you're  
14 okay with your clothes.

15 MR. TROUP: Thank you, Your Honor.

16 THE COURT: Everybody ready to go?  
17 Remember, everybody stay seated. And I'll get the  
18 jury in. There may be some stragglers. I think some  
19 of them got served a little late at one of the  
20 restaurants, so we may be sitting here for a little  
21 bit. Go ahead.

22 (The venire panel entered the courtroom.)

23 Just come on in and take your seats in the  
24 seats you were sitting in before lunch.

25 All right. We've got one that we're

1 waiting for. Let's see if --

2 THE CLERK: There she is.

3 THE COURT: All right. Well, you don't  
4 know how good it make a judge's heart feel to let you  
5 go to lunch and you all come back. So I appreciate  
6 that. You're already ranking as a very good group.

7 All right. I appreciate your patience. I  
8 appreciate you being back, ready to go. We had two  
9 gentlemen that were up here that needed to talk to us  
10 about somebody that was on Mr. Beck's list or they  
11 know. So if those two gentlemen would come back up  
12 here. I didn't get their names. So if you'll come  
13 back up and then the counsel come up.

14 (The following proceedings were held at the  
15 bench.)

16 THE COURT: Mr. Medina, if you'll come up  
17 right here. Did you have a good lunch, Mr. Medina?

18 MR. MEDINA: Yes, thank you very much.

19 THE COURT: You're back. Who did you know  
20 that Mr. Beck --

21 MR. MEDINA: I know this gentleman,  
22 Marcello Garcia that works for Southern New Mexico  
23 Correctional Facility.

24 THE COURT: And you know him?

25 MR. MEDINA: Yes, I do. He's from Hatch,

1 where I'm from.

2 THE COURT: Okay. So you knew him as a  
3 child?

4 MR. MEDINA: No, he's a little bit older  
5 than me, but I know him as not -- an acquaintance.  
6 He's a friend, but not a real close friend. Also a  
7 Raymond Martinez.

8 THE COURT: Let's start with the first one  
9 first. How much older do you think he would be?

10 MR. MEDINA: Oh, he's about maybe 10 years  
11 older.

12 THE COURT: And so how did you know him,  
13 just small town?

14 MR. MEDINA: Yeah, small town, yes, sir, I  
15 bought my boy's first pickup off of him. We don't  
16 hang out or anything.

17 THE COURT: If he took the stand, would you  
18 believe him, more or less, or just would you be able  
19 to form an opinion about his credibility just from  
20 what you see and hear in the courtroom?

21 MR. MEDINA: Absolutely.

22 THE COURT: Would there be anything --

23 MR. MEDINA: That would sway me? No.

24 THE COURT: Okay, so nothing that you saw  
25 or heard while you were growing up or knowing him or

1 his family or anything --

2 MR. MEDINA: No, sir.

3 THE COURT: -- one way or another.

4 MR. MEDINA: No, sir.

5 THE COURT: So far as he's concerned, do  
6 you think you could be fair and impartial?

7 MR. MEDINA: Absolutely, yes, sir.

8 THE COURT: You said you had another on the  
9 list.

10 MR. MEDINA: So Raymond Martinez. He --

11 THE COURT: Tell me what your Raymond  
12 Martinez --

13 MR. MEDINA: The one I know is a  
14 corrections officer at Southern and is now retired.  
15 He's from Hatch, also, and lives in Radium Springs  
16 right now.

17 THE COURT: What age a man do you think he  
18 is?

19 MR. MEDINA: He's my brother's age, about  
20 52.

21 THE COURT: About 52.

22 Mr. Beck, does that sound like your  
23 Raymond?

24 MR. BECK: It does.

25 THE COURT: All right. Tell me what you

1 know about this Raymond Martinez.

2 MR. MEDINA: Yes, sir. I've known him a  
3 while. His brother is a real good friend of mine.  
4 And just, like, we never hung out or drank beer or  
5 anything, but I know who he is.

6 THE COURT: You know who he is.

7 MR. MEDINA: Correct.

8 THE COURT: I asked you a bunch of  
9 questions about the other gentleman that you  
10 identified. Would it be the same for him, or do you  
11 have a different relationship?

12 MR. MEDINA: Probably a little closer  
13 relationship to Raymond, but nothing that would sway  
14 me.

15 THE COURT: If he took the stand, would you  
16 automatically believe him or automatically disbelieve  
17 him or --

18 MR. MEDINA: Might just be neutral.

19 THE COURT: Listen to what the information  
20 was?

21 MR. MEDINA: Yes, sir.

22 THE COURT: And in what context do you know  
23 this Mr. Martinez?

24 MR. MEDINA: Let's see. We bought a pig  
25 from him in November and had a matanza. That's



1 pretty much it.

2 THE COURT: So you bought a pig and a  
3 pickup from him.

4 MR. MEDINA: Just a pig. Mr. Garcia --

5 THE COURT: That pretty well covers it.  
6 Small town. Again, do you think if he testified, you  
7 could be fair and impartial?

8 MR. MEDINA: Absolutely.

9 THE COURT: If somebody were to question  
10 his correctness or accuracy, do you think you could  
11 listen to the evidence and treat him like any other  
12 witness and form your opinion about his credibility  
13 from what you see and hear in the courtroom?

14 MR. MEDINA: Yes, sir.

15 THE COURT: Mr. Beck?

16 MR. BECK: Nothing.

17 THE COURT: How about you, Mr. Sindel?

18 MR. SINDEL: You know, Marcello Garcia is a  
19 lot different than Mr. Martinez in terms of your  
20 relationship.

21 MR. MEDINA: Correct.

22 MR. SINDEL: One can sell you a pickup;  
23 anyone can sell you a pickup. But only a real classy  
24 guy can sell a pig.

25 MR. MEDINA: It was a big pig. What can I

1 say?

2 MR. SINDEL: Is it still around?

3 MR. MEDINA: He didn't last too long.

4 MR. SINDEL: I don't have any more. Nice  
5 to see you.

6 THE COURT: Mr. Cooper? Anybody else? Did  
7 you have any others?

8 How do you know Ms. Armijo?

9 MR. MEDINA: From a previous case.

10 THE COURT: Because you were a juror and  
11 you saw her in action?

12 MR. MEDINA: Yes, she tried the case. One  
13 of two other people.

14 THE COURT: But you have never socialized  
15 with her or anything like that?

16 MR. MEDINA: No, sir.

17 THE COURT: Your experience has been  
18 watching her as a juror?

19 MR. MEDINA: No, sir.

20 THE COURT: Is there anything about your  
21 prior experience as a juror that would keep you from  
22 being fair and impartial in this case?

23 MR. MEDINA: No, sir.

24 THE COURT: Do you think, after watching  
25 her in a prior trial and being a juror on it, is

1     there anything about her that you dislike about her,  
2     you'd be biased against her, or anything like that?

3             MR. MEDINA:   Very professional.   I can tell  
4     you that much.

5             THE COURT:   How about with the defendants  
6     over here?   Is there anything about the way you saw  
7     her perform?

8             MR. MEDINA:   No, sir.

9             THE COURT:   You'd be fair and impartial?

10            MR. MEDINA:   Absolutely, yes, sir.

11            THE COURT:   How about you, Mr. Beck?

12            MR. BECK:    No, sir.

13            THE COURT:   Mr. Cooper.   On that jury, did  
14     you guys reach a verdict?

15            MR. MEDINA:   Yeah.

16            MR. SINDEL:   Were you the foreperson?

17            MR. MEDINA:   No.

18            MR. SINDEL:   Did you guys laugh about Maria  
19     in the jury room?

20            MR. MEDINA:   Not at the time.

21            THE COURT:   Mr. Cooper, do you have  
22     anything?   Do you have anything else off the list?

23            MR. COOPER:   No, sir, that's it.

24            THE COURT:   Thank you, Mr. Medina.

25            MR. BLACKBURN:   We have a few more

1 questions. We'll be back. Judge, when I went back  
2 to -- just before lunch, a bunch of the jurors were  
3 complaining about the noise, that it was -- they know  
4 we have to have the noise, but they were complaining  
5 it was too loud.

6 THE COURT: This right here?

7 MR. BLACKBURN: I just heard the complaints  
8 from them. I'm just telling you.

9 THE COURT: Well, it's got to do its job.

10 MR. BLACKBURN: Yeah.

11 THE COURT: I don't know.

12 MR. SINDEL: Why don't we do this? At the  
13 next break we can stand in the back, see if it's an  
14 issue. Otherwise, you're right, it's there for a  
15 reason.

16 THE COURT: Ms. Wild, do you think it's any  
17 different than it is in any other trial, this noise?  
18 Mr. Blackburn is saying the jury are complaining  
19 about how loud it is. Is this any different sound to  
20 you and anyone else?

21 THE CLERK: It's typical courtroom white  
22 noise.

23 MR. BLACKBURN: Maybe it's because we're  
24 here for so long.

25 THE COURT: We may spend a little time.

1 THE CLERK: The problem is, I run the risk  
2 of not hearing.

3 THE COURT: I want you guys comfortable  
4 talking. If you're up here whispering, it makes it  
5 hard for you to do your job.

6 MR. SINDEL: It's hard for the court  
7 reporter.

8 THE COURT: It's a little bit of a  
9 balancing act. She'll check and see.  
10 You'll have to remind me of your name.

11 MR. CARRILLO: Robert Carrillo.

12 THE COURT: Where were you sitting, Mr.  
13 Carrillo?

14 MR. CARRILLO: Over in this corner.

15 THE COURT: I'm going to find you first.  
16 All right. I see it. Your first name is Robert;  
17 correct?

18 MR. CARRILLO: Yes.

19 THE COURT: Mr. Carrillo, who did you  
20 recognize off the list that --

21 MR. CARRILLO: Tim Martinez.

22 THE COURT: Tim Martinez?

23 MR. CARRILLO: Yes, sir.

24 THE COURT: And tell me, are you pretty  
25 sure you know this man?

1 MR. CARRILLO: He's married to one of my  
2 friends that -- we grew up together since we were  
3 little, and they're married, and we're always getting  
4 together and stuff like that. That's all I know.

5 THE COURT: So who is it that you know that  
6 Tim Martinez married?

7 MR. CARRILLO: Amy. Amy Martinez now.

8 THE COURT: Martinez now. And what was her  
9 name before?

10 MR. CARRILLO: Guerrero.

11 THE COURT: Is she a family --

12 MR. CARRILLO: Well, we grew up together  
13 since we were little, and she baptized my kid and  
14 stuff. That's how I know her.

15 THE COURT: So has Tim Martinez been in  
16 your home and have you been in his?

17 MR. CARRILLO: No, I haven't met him. Just  
18 here and there. She talks about him and stuff.

19 THE COURT: It's more her that you know?

20 MR. CARRILLO: Yeah, than him.

21 THE COURT: Have you ever actually met him  
22 or --

23 MR. CARRILLO: No.

24 THE COURT: You've never --

25 MR. CARRILLO: I know he's going to move

1 back over there with her, so --

2 THE COURT: But you haven't met him?

3 MR. CARRILLO: No.

4 THE COURT: But you know him through Amy?

5 MR. CARRILLO: Yeah.

6 THE COURT: All right. And have you formed  
7 any impression of him?

8 MR. CARRILLO: No, I just try to keep to  
9 myself. That's his business.

10 THE COURT: If he takes the stand, are you  
11 even going to recognize him?

12 MR. CARRILLO: I can tell from the  
13 pictures.

14 THE COURT: You've seen pictures?

15 MR. CARRILLO: Yes.

16 THE COURT: So if he takes the stand, are  
17 you going to automatically think because he's taking  
18 the stand he's believable or not believable or  
19 anything like that?

20 MR. CARRILLO: No.

21 THE COURT: Do you think you could form an  
22 impression about his credibility from just what you  
23 see and observe in the courtroom like everybody  
24 else --

25 MR. CARRILLO: Yes.

1 THE COURT: -- that may not have any sort  
2 of relationship with him. Do you think you can be  
3 fair and impartial --

4 MR. CARRILLO: Oh, yeah.

5 THE COURT: -- to the parties here?

6 MR. CARRILLO: Yeah.

7 THE COURT: Anything about him that you've  
8 learned or known that --

9 MR. CARRILLO: I usually try to stay out of  
10 that business, because I don't want no part of it.

11 THE COURT: Mr. Beck, does this sound like  
12 your Tim Martinez?

13 MR. BECK: I think so. Do you know where  
14 Timothy Martinez is now?

15 MR. CARRILLO: No, I don't know where he's  
16 at right now.

17 MR. BECK: Do you know if he's -- and I  
18 don't mean exactly. Do you know if he's working  
19 somewhere or in some part of the state, or in prison,  
20 out of prison?

21 MR. CARRILLO: I just know that he's in  
22 prison.

23 MR. BECK: You know he was in prison?

24 MR. CARRILLO: Yes.

25 MR. BECK: And I think you answered this



1 question for the judge, but knowing he's in prison  
2 now, or has been in prison, if the judge instructs  
3 you that you'll have to listen to him like any other  
4 witness, are you able to follow the judge's  
5 instruction on what you know about him?

6 MR. CARRILLO: Yes.

7 MR. BECK: I think as the judge said, on  
8 cross-examination or with evidence, his credibility  
9 or truthfulness may be questioned. Knowing what you  
10 know about him, will you still be able to treat him  
11 like any other witness?

12 MR. CARRILLO: Yes.

13 THE COURT: Thank you, Mr. Beck.

14 MR. SINDEL: You said something about his  
15 business. What did you understand about, when you  
16 said that, the phrase "I think I know"?

17 MR. CARRILLO: I just don't.

18 MR. SINDEL: What business?

19 MR. CARRILLO: Everybody's in life  
20 business. I just don't --

21 MR. SINDEL: I mean, like, is he a banker?

22 MR. CARRILLO: No. I just know he's in  
23 prison, and I don't want nothing to do with --

24 MR. SINDEL: Do you know whether or not he  
25 was ever involved in drugs or things like that?

1 MR. CARRILLO: Oh, I don't know none of  
2 that.

3 MR. SINDEL: But you knew that he did  
4 something, got in trouble, went to prison, and been  
5 there for a while; right?

6 MR. CARRILLO: Yeah. I don't ask nobody no  
7 questions about that.

8 MR. SINDEL: Did you ever talk to Amy about  
9 it? Did she ever express anything?

10 MR. CARRILLO: No.

11 MR. SINDEL: Did she ever say anything  
12 about his business when he was not in prison?

13 MR. CARRILLO: No.

14 MR. SINDEL: Okay. Do you feel sorry for  
15 Amy sometimes?

16 MR. CARRILLO: If she's, say, alone with  
17 the kids and stuff, it's kind of hard.

18 MR. SINDEL: That's the way it should be.  
19 Okay. Thank you, sir.

20 MR. CARRILLO: I had a question to tell  
21 you.

22 THE COURT: Can you wait just a second?  
23 Let me see if anybody has anything else to add.

24 MS. HARBOUR-VALDEZ: You said you haven't  
25 talked to Amy about any of this?

1 MR. CARRILLO: No.

2 THE COURT: Anybody else? Any questions.

3 MR. ROBERTS: It sounded like you said it  
4 troubles you that he was in prison or that was a  
5 problem that he was in prison.

6 MR. CARRILLO: I just don't want to be  
7 involved in this stuff.

8 THE COURT: All right. Anybody else?

9 All right. You had another one,  
10 Mr. Carrillo?

11 MR. CARRILLO: I need to let you know that  
12 I just had a message from my wife a while ago and my  
13 mom needs go in surgery on the 14th because her  
14 insides are -- it's kind of embarrassing. They're  
15 kind of falling out, and she's going to have to go  
16 for surgery. So I don't know what's going to happen  
17 with her on that deal.

18 THE COURT: And that's the 16th of this  
19 month.

20 MR. CARRILLO: The 14th.

21 THE COURT: The 14th of April. Okay. So  
22 that's next --

23 MR. SINDEL: Tuesday, Wednesday. What is  
24 the date? It would be Monday.

25 MR. CARRILLO: Her insides are falling out.

1 I don't know what they're going to do with that.

2 MR. BECK: The 14th is a Saturday.

3 THE COURT: That would be a Saturday.

4 MR. CARRILLO: I thought she said the 14th.

5 Okay. I'm just --

6 THE COURT: Okay. You might check. If  
7 it's a Saturday, it might be okay. But if it's some  
8 other day, let us know. Okay?

9 MR. CARRILLO: Do I just call you guys  
10 or --

11 MR. BECK: We'll be here for a little  
12 while. You'll have a break, and maybe you can check  
13 on that. Because I think the questions that the  
14 Court will have for you and the attorneys will have  
15 for you is, you know, do you need to be there, is  
16 there anyone who can care for your mother, those  
17 sorts of things? So we know, as the judge asked in  
18 the beginning --

19 He just had open surgery about two months  
20 ago.

21 THE COURT: Who did?

22

23 MR. CARRILLO: My dad.

24 THE COURT: Your dad?

25 MR. BECK: Did you care for your dad or

1 someone else?

2 MR. CARRILLO: I would be back and forth,  
3 just helping out. Because it's out of town, so it's  
4 the back-and-forth deal.

5 MR. BECK: So if you have a chance, check  
6 on the schedule, see if there is someone who can look  
7 after her or drop in so we know before you leave  
8 today whether you'll be able to be a juror.

9 MR. CARRILLO: Because I don't know what's  
10 going to happen.

11 THE COURT: Okay. Anybody else?

12 MR. SINDEL: Just a few questions, Mr.  
13 Carrillo.

14 There are kind of two sides to everything.  
15 Like this, when there is surgery, one is: Can you be  
16 there? Can you be at the hospital? Can you be there  
17 immediately during that process? And the second  
18 thing is the recovery period and, you know, what that  
19 is going to entail, because I can see you moving your  
20 hands, I can see the expression on your face, this  
21 concerns you a lot. True?

22 MR. CARRILLO: Yeah.

23 MR. SINDEL: And would it be fair to say  
24 that since your dad's surgery and now this thing  
25 coming up, you say it's embarrassing to talk about,

1 but it's pretty horrible.

2 MR. CARRILLO: Yeah.

3 MR. SINDEL: And so, you know, would you  
4 feel that you would be able to give your 100%  
5 attention to this case?

6 MR. CARRILLO: I don't know if I would,  
7 because I'd be probably thinking of them the whole  
8 time, what was going on.

9 MR. SINDEL: Thinking about your mom. Is  
10 she okay? And how is your dad?

11 MR. CARRILLO: Yeah.

12 MR. SINDEL: And like I said, your hands  
13 are going -- it's right there right now, the same  
14 thing?

15 MR. CARRILLO: I don't know what's going to  
16 happen to my mom.

17 MR. SINDEL: It's okay. Things happen. I  
18 mean, I know we want to talk about scheduling, but I  
19 don't really care about scheduling as much as about  
20 whether you can feel that you're comfortable to  
21 concentrate, and I'm not sure -- if you're not quite  
22 convinced, yourself, that you will, you need to tell  
23 us now, because if you get on this jury --

24 MR. CARRILLO: I don't think I would. I  
25 don't think I would. I'm going to be thinking of

1       them the whole --

2               MR. SINDEL: I know you would, and I think  
3       that's what you should. Thank you.

4               THE COURT: All right. Anybody else?  
5       Thank you, Mr. Carrillo.

6               (The following proceedings were held in  
7       open court.)

8               THE COURT: All right. Let me ask again  
9       the question I asked before lunch. Has any member of  
10      the panel heard or read anything about the case?  
11      Anybody know any of the people that Mr. Beck  
12      mentioned, either he introduced at the table, anybody  
13      at the U.S. Attorney's Office, any of the witnesses  
14      that he listed? Anybody have any knowledge of those  
15      people, had any business dealings with them, been  
16      represented by any of the attorneys here in the U.S.  
17      Attorney's Office, been parties to any cases with the  
18      U.S. Attorney's Office? Had any sort of similar  
19      relationship, business connection, with any of the  
20      people Mr. Beck introduced, U.S. attorneys that I  
21      mentioned?

22              All right. I'm now going to ask the  
23      counsel for the defendants to introduce themselves  
24      and indicate any witnesses that the defendants may  
25      choose to call. I think Mr. Cooper is going to do

1 that at the end. So probably what we're going to do  
2 here is just have the counsel introduce themselves at  
3 the present time.

4 So I'll start with you, Mr. Benjamin, Mr.  
5 Sindel, if y'all wish to introduce yourselves.

6 MR. BENJAMIN: Thank you, Your Honor.

7 Brock Benjamin on behalf of Mr. Joe  
8 Gallegos and Richard Sindel on behalf of Joe  
9 Gallegos.

10 MR. SINDEL: He's always speaking for both  
11 of us.

12 THE COURT: Do any of the jurors know Mr.  
13 Sindel, know Mr. Benjamin, know Mr. Gallegos, had any  
14 business dealings with them, been represented by Mr.  
15 Sindel, Mr. Benjamin, any firm that they've been a  
16 part of? Anybody had any other similar relationship  
17 business connection with Mr. Sindel, Mr. Benjamin,  
18 Mr. Gallegos?

19 All right. For defendant Edward Troup,  
20 Ms. Harbour-Valdez.

21 MS. HARBOUR-VALDEZ: Thank you, Your Honor.

22 Good afternoon. I'm Cori Harbour-Valdez,  
23 and I, along with Pat Burke and our paralegal, Raquel  
24 Rodriguez, represent Edward Troup.

25 THE COURT: Do any of the jurors know



1 Ms. Harbour-Valdez, Mr. Burke, Mr. Troup, had any  
2 business dealings with them, been represented by  
3 Ms. Harbour-Valdez, Mr. Burke, any firm that they've  
4 been a part of? Anybody had any similar  
5 relationship, business connection, with  
6 Ms. Harbour-Valdez, Mr. Troup, Mr. Burke?

7 All right. For defendant Billy Garcia.  
8 Mr. Cooper, you and Mr. Castle.

9 MR. COOPER: My name is Bob Cooper.  
10 Together with Jim Castle we represent Billy Garcia.  
11 Also assisting us in the representation of Billy  
12 Garcia is our paralegal, Laura Koch, and she's seated  
13 in the back of the courtroom right now.

14 We also may have the two paralegals that  
15 are assisting the entire defense team, and they are  
16 seated at these tables here. We have Cynthia Gilbert  
17 and Eda Gordon, and they're helping all of the  
18 defendants.

19 THE COURT: All right. Do any of the  
20 jurors know any of the people Mr. Cooper introduced?  
21 Does anybody know Mr. Cooper, Mr. Castle, Mr. Billy  
22 Garcia? How about Ms. Koch, Ms. Gilbert, Ms. Gordon?  
23 Anybody know any of them, had any business dealings  
24 with them, or been represented by Mr. Cooper or Mr.  
25 Castle or any firm they've been a part of? Anybody

1 had any sort of similar relationship, business  
2 connection with Mr. Cooper, Mr. Castle, Mr. Garcia,  
3 Mr. Billy Garcia, Ms. Koch, Ms. Gilbert, Ms. Gordon.

4 Mr. Cooper, would this be a good time for  
5 you to list out the witnesses that the defendants may  
6 call?

7 MR. COOPER: Certainly, Your Honor. Thank  
8 you.

9 Ladies and gentlemen, we intend to call  
10 some of these witnesses that are named. And in  
11 addition, some of the individuals that were named by  
12 the Government, we may call them as well, and we may  
13 examine them, should the Government call them.

14 So our civilian witnesses are Irene Abney,  
15 Charles Asbury, Autumn Avila, Jesse Baca, Charlene  
16 Baldizan, Valerie Carrejo, Braden Chavez, Edna  
17 Chavez, Veronica Chavez, Mary Crumpton, Joe Doyle,  
18 Jonathon Duran, Michelle Duran, Bill Elliott, Angela  
19 Gallegos, Estevan Gallegos -- excuse me, Gonzalez;  
20 Jimmie Rae Gordon, Tami Gutierrez, Jason Hoster,  
21 Jennifer Lopez, Leroy Lucero, Mark Lugo, Geraldine  
22 Martinez, Arlene Mendez, Mark Myers, Shaun Myers, Jim  
23 Naranjo, Daniel Orndorff, Dina Ortiz-Chavez, Jolene  
24 Romero, Julian Romero, Sadie Romero, Chad Rutter,  
25 Michael Sanchez, Paula Sanchez, Troy Sanchez,

1 Sapphira Serrano, John Shanks, Paul Silva, Amber  
2 Sutton, Brandon Travis, and Benjamin Wood.

3 In addition to those civilian witnesses,  
4 some or all of the attorneys in this case may call  
5 the law enforcement witnesses, some of whom may be  
6 called by the Government, as well. Andrew Armijo,  
7 Nikki Baca, James Braun, D. Brown, Jack Burkhead,  
8 Sonya Chavez, Lawrence Tafoya, Felipe Gonzalez,  
9 Nathan Gurule, Noah Guzman, Steven Hall, Richard  
10 Lewis, James Mowduk, Brenton Myers, Trent Pedersen,  
11 Robert Perry, Royleen Ross-Weaver, Daniel Sedillo,  
12 Ray Soliz, Roberta Stellman, Reeve Swainston, Henry  
13 Telles, James Tierney, Mark Torres, Vince Torres.

14 In addition to those individuals, Janine  
15 Arvizu, Tim Bryan, Karen Green, Dr. Lesli Johnson,  
16 Dan E. Krane, Suzanna Ryan.

17 And then finally, the custodian of records  
18 at Lovelace UNM Rehabilitation Hospital, the  
19 custodian of record at UNM Hospital, the custodian of  
20 records at Valencia County Detention Center.

21 Thank you, Your Honor.

22 THE COURT: Thank you, Mr. Cooper.

23 Do any of the jurors know any of the  
24 persons that Mr. Cooper listed out as possible  
25 witnesses for the defendants? Anybody had any

1 business deals with any of them? Some of those were  
2 attorneys. Anybody been represented by them or any  
3 firm that those attorneys were a part of? Had any  
4 sort of similar relationship, business connection  
5 with any of the people that Mr. Cooper listed in the  
6 defendants' witness list?

7 All right. Let me go back, then, to the  
8 introduction of the defendants. For defendant Allen  
9 Patterson, Mr. Lahann.

10 MR. LAHANN: Good afternoon. My name is  
11 Jeff Lahann, and together with Joseph Shattuck and  
12 our paralegal, Baz Torres in the back, we represent  
13 Allen Patterson in this case.

14 THE COURT: All right.

15 MR. SHATTUCK: Your Honor, if I may, we  
16 also have a paralegal named Sonya Salazar, who will  
17 be helping us, as well.

18 THE COURT: All right. Any of the jurors  
19 know Mr. Lahann, Mr. Shattuck? How about the two  
20 paralegals, Ms. Torres, Ms. Sanchez?

21 Anybody know Mr. Patterson, had any  
22 business dealings with him? Been represented by Mr.  
23 Shattuck, Mr. Lahann, or any law firm that they've  
24 been associated with, been a part of? Had any sort  
25 of similar relationship with Mr. Patterson, Mr.

1 Shattuck, Mr. Lahann, Ms. Torres, Mr. Sanchez? Any  
2 other similar relationship, business connection with  
3 any of them?

4 All right. For defendant Christopher  
5 Chavez.

6 MR. GRANBERG: Ladies and gentlemen, my  
7 name is John Granberg. I have co-counsel. His name  
8 is Eduardo Solis. He couldn't be here with us today,  
9 but he will be for the trial. We both represent  
10 Christopher Theodore Chavez.

11 THE COURT: Do any of the jurors know any  
12 of the people that Mr. Granberg just introduced?  
13 Himself, Mr. Granberg; Mr. Chavez, Mr. Solis.  
14 Anybody had any business dealings with them, been  
15 represented by Mr. Granberg, Mr. Solis or any firm  
16 that they've been a part of? Had any similar  
17 relationship or business connection with Mr.  
18 Granberg, Mr. Solis, Mr. Chavez, anybody had that  
19 sort of connection?

20 All right. For Arturo Arnulfo Garcia.

21 MR. BLACKBURN: Good afternoon. My name is  
22 Billy Blackburn. Along with Scott Davidson, who  
23 can't be with us today, we'll be representing Mr.  
24 Arturo Garcia.

25 THE COURT: Do any of the jurors know Mr.

1 Blackburn, Mr. Davidson, Mr. Arturo Garcia? Anybody  
2 had business dealings with them, been represented  
3 by --

4 Why don't you come up, if you've got  
5 some -- why don't you come up here and stand up here.

6 Anybody else had any knowledge, had any  
7 business dealings with Mr. Davidson, Mr. Blackburn,  
8 Mr. Arturo Garcia? Anybody had any -- been  
9 represented by Mr. Blackburn or Mr. Davidson or any  
10 firm that they've been a part of, had any sort of  
11 similar relationship, business connection, with Mr.  
12 Blackburn, Mr. Davidson, Mr. Arturo Garcia?

13 All right. Let me see counsel up here at  
14 the bench. Get right in there.

15 How are you doing today?

16 MS. NITTERAUER: I'm fine, thank you.

17 THE COURT: And you're Mrs. Cardenas?

18 MS. NITTERAUER: No, Nitterauer.

19 THE COURT: How are you?

20 MS. NITTERAUER: I'm great, thanks. The  
21 whole mob comes up.

22 THE COURT: Who do you know?

23 MS. NITTERAUER: I know Mr. Blackburn.

24 THE COURT: How do you know Mr. Blackburn?

25 MS. NITTERAUER: Well, he was a friend of

1 my late husband.

2 THE COURT: What was your late husband's  
3 name?

4 MS. NITTERAUER: Peter Rubin.

5 THE COURT: And what did Mr. Rubin do to  
6 make Billy Blackburn his friend?

7 MS. NITTERAUER: He sold computers. I  
8 mean, I didn't know -- and I also worked for his  
9 primary care provider, and he and I were in the exam  
10 room one day and somebody shot through the window at  
11 us.

12 THE COURT: What?

13 MS. NITTERAUER: Shot through the window at  
14 us.

15 THE COURT: Did you find out who it was?

16 MS. NITTERAUER: No.

17 THE COURT: Were they shooting at you or  
18 Mr. Blackburn?

19 MS. NITTERAUER: Must be him.

20 THE COURT: You and your husband had a  
21 computer business. What was the name of it?

22 MS. NITTERAUER: He's been dead --  
23 Crownmark, Limited.

24 THE COURT: Was it his own?

25 MS. NITTERAUER: No, I think they're out of

1 business.

2 THE COURT: Out of business now. And so  
3 how did you know that your husband was selling  
4 computers to Mr. Blackburn?

5 MS. NITTERAUER: Oh, I don't know if he was  
6 selling him computers, but I met him through him.

7 THE COURT: So what was your relationship  
8 with him? Were you in his home, was he in your home?

9 MS. NITTERAUER: I think he came to my  
10 house once.

11 THE COURT: What was that for?

12 MS. NITTERAUER: You know, I have no idea.

13 THE COURT: All right.

14 MS. NITTERAUER: We were both blondes.

15 THE COURT: So --

16 MR. COOPER: Long time ago.

17 THE COURT: Is it fair to say that y'all  
18 were mostly passing and --

19 MS. NITTERAUER: Um-hum.

20 THE COURT: Did you form any impression  
21 about Mr. Blackburn of any sort?

22 MS. NITTERAUER: I thought he was a really  
23 nice young man.

24 THE COURT: Nice young man. Did you form  
25 an impression of whether he was believable or not



1 believable, or did you like him, dislike him, any of  
2 those sorts of things?

3 MS. NITTERAUER: I liked him, and he didn't  
4 seem unbelievable.

5 THE COURT: If Mr. Blackburn is  
6 representing a defendant in this case, Mr. Arturo  
7 Garcia, are you going to want to do some things to  
8 help Mr. Garcia in the case because of your  
9 relationship with him?

10 MS. NITTERAUER: I don't know Mr. Garcia.

11 THE COURT: So you think you could be fair  
12 and impartial to both sides here, both the Government  
13 and all the other defendants in the case, too?

14 MS. NITTERAUER: Absolutely.

15 THE COURT: Is there anything about your  
16 relationship with Mr. Blackburn that you think would  
17 keep you from being fair and impartial?

18 MS. NITTERAUER: No.

19 THE COURT: All right. Mr. Beck?

20 MR. BECK: Good afternoon, Ms. Nitterauer.  
21 I guess sort of following up upon the judge's  
22 question right there, how long ago was the last time  
23 you spoke with Mr. Blackburn?

24 MS. NITTERAUER: It was in Rodriguez's  
25 office. Let's see. My daughter -- my husband died

1 in '93, so it must have been early '90s. It's been a  
2 long time.

3 MR. BECK: All right. And I think the  
4 judge asked you this question, but just to follow up,  
5 is there anything about Mr. Blackburn representing  
6 one of the defendants that might make you lean  
7 towards believing his client over other people or  
8 believing his witnesses over others?

9 MS. NITTERAUER: No.

10 MR. BECK: No further questions.

11 THE COURT: Mr. Blackburn, do you have any  
12 other questions?

13 MR. BLACKBURN: No, Your Honor.

14 THE COURT: How about any other defendant?

15 MR. COOPER: You know Billy and you could  
16 still be fair to him?

17 MS. NITTERAUER: No, can I shake his hand?

18 THE COURT: Thank you, Ms. Nitterauer.

19 MR. BLACKBURN: Judge, they introduced  
20 Sonya Sanchez. Her name is Sonya Salazar.

21 MR. COOPER: That's okay.

22 MR. BECK: We can correct it.

23 THE COURT: Was it Sanchez?

24 MR. COOPER: She married a Sanchez, but she  
25 kept her name, Salazar.

1 THE COURT: Did I get it wrong?

2 MR. BLACKBURN: No, Shattuck did.

3 THE COURT: All right.

4 (The following proceedings were held in  
5 open court.)

6 THE COURT: All right. The paralegal that  
7 I think we were referring to as Sanchez is Salazar,  
8 Sonya Salazar. Anyone know Ms. Salazar?

9 Let me just make sure on Mr. Arturo Garcia  
10 and Mr. Davidson and Mr. Blackburn, are there any  
11 other jurors that know any of those three people,  
12 Mr. Arturo Garcia, Mr. Scott Davidson, Mr. Blackburn,  
13 had any business dealings with them, been represented  
14 by Mr. Davidson, Mr. Blackburn, any firm they've been  
15 a part of, had any business, any other sort of  
16 similar relationship, business connection, with Mr.  
17 Blackburn, Mr. Davidson, or Mr. Arturo Garcia?

18 All right. And let me introduce the  
19 lawyers for defendant Andrew Gallegos. Mr. Roberts.

20 MR. ROBERTS: Good afternoon, ladies and  
21 gentlemen. My name is Donovan Roberts, and with me  
22 is Lisa Torracco. And we both represent Andrew  
23 Gallegos, seated to my right.

24 THE COURT: Do any of the jurors know any  
25 of the people Mr. Roberts just introduced?

1 Mr. Roberts himself, Ms. Torraco, and Mr. Andrew  
2 Gallegos? Anybody know them, had any business  
3 dealings with them, been represented by Mr. Roberts,  
4 Ms. Torraco, or any firm that they've been a part of?  
5 Had any sort of similar relationship, business  
6 connection with Mr. Roberts, Mr. Andrew Gallegos or  
7 with Ms. Torraco?

8 All right. Now, I want to move a little  
9 bit to some of the questions that you answered on  
10 your questionnaire, so this is going to be a little  
11 bit repetitive, but I'm going to do some follow-up  
12 questioning on it.

13 So the first question is your jury  
14 experience. Have you ever served as a juror in a  
15 criminal or a civil case or as a member of a grand  
16 jury in either state or federal court? So it's a  
17 broad question to try to get your experience as a  
18 juror. Anyone had that experience as a juror in  
19 state, federal court, civil, criminal case, grand  
20 jury? Anybody in the jury box first? Let me start  
21 in the back, back there.

22 Mr. Telles, what's been your experience as  
23 a juror? All right.

24 MR. TELLES: In El Paso County, I was  
25 chosen as a juror in a child molestation case.

1 THE COURT: All right. What did the jury  
2 do in that case, Mr. Telles?

3 MR. TELLES: Actually, we found him guilty  
4 on all three counts.

5 THE COURT: Did you serve as the foreperson  
6 in that case?

7 MR. TELLES: No, sir.

8 THE COURT: Is there anything about your  
9 experience as a juror in that case that would keep  
10 you from being fair and impartial to the parties  
11 here?

12 MR. TELLES: I don't believe so, Your  
13 Honor.

14 THE COURT: What do you thing about the use  
15 of juries in our criminal justice system?

16 MR. TELLES: I think it's a great thing.  
17 By all means, we need to take care of business one  
18 way or the other, and I think this is the most  
19 democratic way we can do that.

20 THE COURT: All right. What's been your  
21 experience as a juror, Mr. Brugger?

22 MR. BRUGGER: A long time ago in Erie,  
23 Pennsylvania, 1980, I served on a jury for a murder  
24 trial.

25 THE COURT: What did the jury do in this

1 case?

2 MR. BRUGGER: We found him guilty.

3 THE COURT: Did you serve as the  
4 foreperson, Mr. Brugger?

5 MR. BRUGGER: No, I didn't.

6 THE COURT: Is there anything about that  
7 experience as a juror in that case that would keep  
8 you from being fair and impartial?

9 MR. BRUGGER: No.

10 THE COURT: What do you think about the use  
11 of juries in our criminal justice system?

12 MR. BRUGGER: I think it works.

13 THE COURT: Thank you, Mr. Brugger.

14 Anyone else in the jury box? All right.  
15 Let's go behind the Government's table. Somebody  
16 else? Let's see. Is that Mr. Troy?

17 MR. TROY: Yes, last year in a criminal  
18 case, and we found him not guilty.

19 THE COURT: All right. What kind of case  
20 was it, Mr. Troy?

21 MR. TROY: Assault with a deadly weapon.

22 THE COURT: And you found him not guilty?

23 MR. TROY: Correct.

24 THE COURT: Did you serve as the foreperson  
25 on that case?

1 MR. TROY: No.

2 THE COURT: Is there anything about that  
3 experience that would keep you from being fair and  
4 impartial to the parties in this case?

5 MR. TROY: No, sir.

6 THE COURT: What do you think about the use  
7 of juries in our criminal justice system?

8 MR. TROY: I think we need them. I might  
9 need them someday.

10 THE COURT: Thank you, Mr. Troy.

11 Anyone else in the jury box?

12 All right. Ms. Corral, what's been your  
13 experience?

14 MS. MENAPACE-CORRAL: Civil court for a  
15 drug-smuggling case for a trucking company.

16 THE COURT: What did the jury do in that  
17 case?

18 MS. MENAPACE-CORRAL: Not guilty.

19 THE COURT: All right. Now, sometimes in  
20 civil cases, they don't have to be unanimous. Did  
21 you agree with the verdict in that case?

22 MS. MENAPACE-CORRAL: I did.

23 THE COURT: And in a criminal case, it has  
24 to be unanimous but not always in a civil case. Did  
25 you serve as the foreperson?

1 MS. MENAPACE-CORRAL: I did not.

2 THE COURT: Anything about your experience  
3 as a juror that could keep you from being fair and  
4 impartial to the parties in this case?

5 MS. MENAPACE-CORRAL: No, sir.

6 THE COURT: Anyone else who has experience?  
7 Let's go back to the back. Let's start with Ms. Lee.  
8 What's been your experience as a juror?

9 MS. LEE: I was on a murder trial in 2010.

10 THE COURT: All right, and what did the  
11 jury do with that case?

12 MS. LEE: Guilty.

13 THE COURT: Did you serve as the  
14 foreperson?

15 MS. LEE: No, sir.

16 THE COURT: Anything about that experience  
17 that would keep you from being fair and impartial to  
18 the parties in this case?

19 MS. LEE: No, sir.

20 THE COURT: What do you think about the use  
21 of juries in our criminal justice system?

22 MS. LEE: I think it works.

23 THE COURT: All right. Anybody else back  
24 there have jury experience? Is that Ms. Beavers?  
25 Ms. Beavers, what's been your experience as a juror?



1 MS. BEAVERS: I've been on a lot of them.  
2 I've been in Otero County petit, grand jury there,  
3 I've been twice on district federal over here. So  
4 multiple cases. And it's been a few years, about  
5 three years, since I've last been on it. So I  
6 couldn't tell you -- all different sorts. I don't  
7 think any were civil. I think they were all  
8 criminal.

9 THE COURT: All criminal? Can you tell me  
10 how many that you think -- how many you've actually  
11 sat on?

12 MS. BEAVERS: No, I couldn't. I've been  
13 through a lot of rounds of juries.

14 THE COURT: And can you go back through and  
15 tell me what kind of cases they were that you can  
16 remember doing?

17 MS. BEAVERS: The grand jury was an  
18 assortment, you know, of course. But the district,  
19 it was mostly drugs.

20 THE COURT: And did you find them guilty in  
21 all cases?

22 MS. BEAVERS: And there were some other --  
23 criminal sexual penetration, you know. Hung jury,  
24 guilty, innocent. I mean, I've had round robin.

25 THE COURT: So some of them the jury found

1 guilty and some not guilty. Did you serve as the  
2 foreperson?

3 MS. BEAVERS: I was never a foreperson.

4 THE COURT: Anything about your experience  
5 as a juror that would keep you from being fair and  
6 impartial in this case?

7 MS. BEAVERS: No.

8 THE COURT: What do you think about the use  
9 of juries in our criminal justice system?

10 MS. BEAVERS: It's fine. I just think  
11 other people need to be on them.

12 (Laughter.)

13 THE COURT: Share the fun. All right.  
14 Thank you, Ms. Beavers.

15 Anyone else over here that has -- let's  
16 see. Probably testing my eyesight here. Let's start  
17 with -- is that Mr. Marquardt?

18 DR. MARQUARDT: Yes, sir.

19 THE COURT: What's been your experience as  
20 a juror?

21 DR. MARQUARDT: A juror for a DUI case in  
22 Texas.

23 THE COURT: What did the jury do in that  
24 case?

25 DR. MARQUARDT: Not guilty.

1 THE COURT: And did you serve as the  
2 foreperson?

3 DR. MARQUARDT: Yes, I did.

4 THE COURT: And anything about that  
5 experience that would keep you from being fair and  
6 impartial to the parties here?

7 DR. MARQUARDT: No.

8 THE COURT: What do you think about the use  
9 of juries in our criminal justice system?

10 DR. MARQUARDT: Absolutely necessary.

11 THE COURT: Thank you, Mr. Marquardt.

12 Anyone else on that row? All right. Let's  
13 see. Is that Ms. Garcia?

14 MS. GARCIA: Yes, sir.

15 THE COURT: What's been your experience as  
16 a juror?

17 MS. GARCIA: District court, San Juan  
18 County. You're chosen for several months, and I sat  
19 on two different trials. One guilty, one not guilty.  
20 Both criminal trials. And it's an interesting thing  
21 to do.

22 THE COURT: What were -- there were two  
23 cases. What was the first case?

24 MS. GARCIA: The very first case was  
25 assault with a deadly weapon. It was a young lady

1 trying to run over someone with her car.

2 THE COURT: And Ms. Garcia, was that the  
3 one where the jury found guilty?

4 MS. GARCIA: Yes, sir.

5 THE COURT: And what was the second case?

6 MS. GARCIA: The second one was a battery  
7 case, and that one was found not guilty.

8 THE COURT: Did you serve as the foreperson  
9 on either case?

10 MS. GARCIA: No, Your Honor, I didn't.

11 THE COURT: Is there anything about your  
12 experience as a juror that would keep you from being  
13 fair and impartial to the parties in this case?

14 MS. GARCIA: No.

15 THE COURT: What do you think about the use  
16 of juries in our criminal justice system?

17 MS. GARCIA: It works.

18 THE COURT: Thank you, Ms. Garcia.

19 Anyone else on that row? All right. Mr.  
20 Kimmick, what's been your experience as a juror?

21 MR. KIMMICK: I served on a jury for  
22 driving while intoxicated resulting in great bodily  
23 harm. And the outcome of that one was they struck  
24 some kind of a plea deal somewhere at the 11th hour,  
25 right before we were to come back with a verdict.

1 THE COURT: Had the jury agreed on a  
2 verdict?

3 MR. KIMMICK: No, we had just barely began  
4 deliberations and went home for the day, and then we  
5 got the call the next day in the morning that we  
6 weren't going to be required.

7 THE COURT: Which way were you leaning?

8 MR. KIMMICK: I was leaning more towards  
9 the guilty side.

10 THE COURT: And were you serving or  
11 functioning as the foreperson?

12 MR. KIMMICK: No, sir.

13 THE COURT: Is there anything about that  
14 experience that would keep you from being fair and  
15 impartial to the parties in this case?

16 MR. KIMMICK: Not at all.

17 THE COURT: What do you think about the use  
18 of juries in our criminal justice system?

19 MR. KIMMICK: The only way to make it work.

20 THE COURT: Thank you, Mr. Kimmick.

21 Anyone else on that row? Let's see. Is it  
22 Mr. Meyer? What's been your experience as a juror?

23 MR. MEYER: I served in San Miguel County  
24 District Court. We had a criminal drug case and  
25 found him guilty.

1 THE COURT: Did you serve as a foreperson?

2 MR. MEYER: I did not.

3 THE COURT: Is there anything about your  
4 experience that would keep you from being fair and  
5 impartial in this case?

6 MR. MEYER: No.

7 THE COURT: What do you think about the use  
8 of juries?

9 MR. MEYER: It works.

10 THE COURT: All right. Thank you, Mr.  
11 Meyer.

12 Anybody else in the back?

13 All right, let's go over here. We'll start  
14 with -- is it Mr. Johnson?

15 MR. JOHNSON: Yes.

16 THE COURT: Mr. Johnson, what's been your  
17 experience as a juror?

18 MR. JOHNSON: I think it was around 1992.  
19 I was in Taylor County, Texas. I believe it was a  
20 drug trial. But I was selected for the jury, but  
21 they settled before we were able to deliberate.

22 And then also an assault case in Chaves  
23 County, here in New Mexico, and we had a guilty  
24 verdict, and I was the foreperson.

25 THE COURT: You were not a foreperson in

1 the first case?

2 MR. JOHNSON: No. Actually, we didn't even  
3 get that far. It settled before we were able to even  
4 do that.

5 THE COURT: Let me ask you, on the first  
6 case, what were you thinking, leaning toward, when  
7 the case settled?

8 MR. JOHNSON: Probably guilty. I mean,  
9 it's been a long -- almost 30 years ago, so...

10 THE COURT: All right. And on the second  
11 case, you did serve as the foreperson?

12 MR. JOHNSON: I did.

13 THE COURT: And the jury found the  
14 defendant guilty?

15 MR. JOHNSON: Unanimously.

16 THE COURT: And is there anything about  
17 those two experiences that would keep you from being  
18 fair and impartial to the parties in this case?

19 MR. JOHNSON: No.

20 THE COURT: What do you think about the use  
21 of juries in our criminal justice system?

22 MR. JOHNSON: Like everybody else, I think  
23 it works. It's the only way to go.

24 THE COURT: Anyone over on this side? Is  
25 that Mr. Krohn?

1 MR. KROHN: Yes, sir.

2 THE COURT: All right. Mr. Krohn, what's  
3 been your experience as a juror?

4 MR. KROHN: A few years ago I was an  
5 alternate juror on an auto theft case in Bernalillo  
6 County.

7 THE COURT: Did you later hear what the  
8 verdict was?

9 MR. KROHN: No. I did not. Never did.

10 THE COURT: What were you thinking about  
11 the case?

12 MR. KROHN: I was considering not guilty  
13 from the evidence.

14 THE COURT: All right. Anything about that  
15 experience that would keep you from being fair and  
16 impartial to the parties in this case?

17 MR. KROHN: No, Your Honor.

18 THE COURT: What do you think about the use  
19 of juries in our criminal justice system?

20 MR. KROHN: It's essential.

21 THE COURT: Thank you, Mr. Krohn.

22 Anyone else on that row? Then we'll move  
23 to the front. Is that Ms. Williams who had her hand  
24 up?

25 Ms. Williams, what's been your experience



1 as a juror, Ms. Williams?

2 MS. WILLIAMS: I served as a juror in Lea  
3 County. It was an assault case, and we found him not  
4 guilty.

5 THE COURT: Did you serve as the foreperson  
6 on that case?

7 MS. WILLIAMS: No, sir.

8 THE COURT: Anything about that experience  
9 that would keep you from being a fair and impartial  
10 juror in this case?

11 MS. WILLIAMS: No.

12 THE COURT: What do you think about the use  
13 of juries in our criminal justice system?

14 MS. WILLIAMS: It's the way to go.

15 THE COURT: Thank you, Ms. Williams.

16 Anybody else have their hand up over here?

17 Down the row there, is that Ms. Scifres?

18 Am I saying that correctly? Sorry. Did I skip  
19 somebody there?

20 Mr. Medina?

21 MR. MEDINA: Yes, sir. I served in  
22 district court here in Las Cruces on three cases.

23 THE COURT: Were they all criminal?

24 MR. MEDINA: Yes, sir. Two were  
25 drug-related. One was a DWI with child negligence, I

1 believe.

2 THE COURT: All right. And what did the  
3 jury do in those three cases?

4 MR. MEDINA: One of the drug cases was  
5 dropped. Something happened between the Government  
6 and, I guess, the defendant. And then one case, the  
7 second drug case, we found them not guilty, and on  
8 the DWI child endangerment, guilty.

9 THE COURT: Did you serve as the foreperson  
10 on any of those cases?

11 MR. MEDINA: No, sir.

12 THE COURT: Is there anything about those  
13 experiences that would keep you from being fair and  
14 impartial to the parties here?

15 MR. MEDINA: No. I also served for federal  
16 jury duty.

17 THE COURT: Tell me a little bit about that  
18 case. We talked a little bit up here at the bench on  
19 it. Give me the nature of that case.

20 MR. MEDINA: It was a death penalty case in  
21 2011.

22 THE COURT: Okay. And that one, if I  
23 recall, went to a verdict. And did you serve as the  
24 foreperson on that case?

25 MR. MEDINA: No, sir, I did not.

1 THE COURT: All right. Anything about your  
2 experience in those four cases that would keep you  
3 from being fair and impartial to the parties here?

4 MR. MEDINA: No, sir.

5 THE COURT: What do you think about the use  
6 of juries in our criminal justice system?

7 MR. MEDINA: I think it's what makes  
8 America great.

9 THE COURT: Thank you, Mr. Medina.

10 Anyone else over here that has some jury  
11 experience?

12 All right. Ms. Wise. Do you have the next  
13 one? Ms. Wise, what's been your experience as a  
14 juror?

15 MS. WISE: I think it was 2015. I served  
16 in district court in Albuquerque. It was a sexual  
17 penetration of a child case. We found the defendant  
18 guilty.

19 THE COURT: Did you serve as the  
20 foreperson?

21 MS. WISE: No.

22 THE COURT: Anything about that experience  
23 that would keep you from being fair and impartial to  
24 the parties here?

25 MS. WISE: No.

1 THE COURT: What do you think about the use  
2 of juries in our criminal justice system?

3 MS. WISE: I think it's the best way to go.

4 THE COURT: Thank you, Ms. Wise.

5 Mr. Skousen, did you have your hand up?

6 MR. SKOUSEN: No.

7 THE COURT: Mr. Mott, did you have your  
8 hand up? All right. Mr. Mott, what's been your  
9 experience as a juror?

10 MR. MOTT: My most recent was about 30  
11 years ago in Solano County, California, and it was a  
12 robbery case. And before we got to -- I was an  
13 alternate, but before it got to the jury to make a  
14 decision, it was disclosed that they dropped the  
15 charges and that the defendant was a police  
16 informant.

17 The first case was a drug case in Dallas  
18 County, prior to that. And before we got to a  
19 verdict, the defendant pled out.

20 THE COURT: On that first case where you  
21 were an alternate, what were you thinking about the  
22 case at the time?

23 MR. MOTT: I was thinking not guilty.

24 THE COURT: And what about the second one,  
25 where --

1 MR. MOTT: It was the drug case, and I was  
2 thinking guilty.

3 THE COURT: Were you far enough along in  
4 either case to serve as foreperson?

5 MR. MOTT: No, sir.

6 THE COURT: Anything about those  
7 experiences that would keep you from being fair and  
8 impartial to the parties in this case?

9 MR. MOTT: No.

10 THE COURT: What do you think about the use  
11 of juries in our criminal justice system?

12 MR. MOTT: I think we have to have it.

13 THE COURT: All right. Thank you, Mr.  
14 Mott.

15 Anyone else over here?

16 We'll go down the row. Ms. Duncan, what's  
17 been your experience as a juror?

18 MS. DUNCAN: I have been on two cases in  
19 Albuquerque. One was a civil personal injury case  
20 involving UNM Hospital. We ended up with a hung  
21 jury, and I was the foreperson on that.

22 The second case was a criminal case  
23 involving assault and evading police, and we found  
24 him guilty on one count.

25 THE COURT: Were you a foreperson in that

1 second case?

2 MS. DUNCAN: No, I was not.

3 THE COURT: On the first case, which way  
4 were you leaning on the civil case?

5 MS. DUNCAN: I was leaning in favor of the  
6 defendants; UNM Hospital.

7 THE COURT: Is there anything about those  
8 two experiences that would keep you from being fair  
9 and impartial to the parties in this case?

10 MS. DUNCAN: No, sir.

11 THE COURT: What do you think about the use  
12 of juries in our criminal justice system?

13 MS. DUNCAN: It's the way to go.

14 THE COURT: Thank you, Ms. Duncan.

15 Anyone else back over here that's had jury  
16 experience?

17 Let me ask again, have you ever served as a  
18 juror in a criminal or a civil case or as a member of  
19 a grand jury, either in state or federal court?  
20 Anybody had that experience that we haven't talked  
21 about?

22 Mr. Milne, what's been your experience?

23 MR. MILNE: Just last year I was on two DWI  
24 cases. And the first one was guilty, and the second  
25 one, before we even got any evidence or anything

1 else, he plea bargained.

2 THE COURT: So you were about to go through  
3 voir dire, like we're doing today, and didn't get  
4 that far?

5 MR. MILNE: Right.

6 THE COURT: But the first one, the jury  
7 found the defendant guilty?

8 MR. MILNE: Yes.

9 THE COURT: Did you serve as the  
10 foreperson?

11 MR. MILNE: No, sir.

12 THE COURT: Is there anything about your  
13 experience, either one of those experiences, that  
14 would keep you from being fair and impartial to the  
15 parties here?

16 MR. MILNE: No, sir.

17 THE COURT: What do you think about the use  
18 of juries in our criminal system?

19 MR. MILNE: We need it. It's a good  
20 system.

21 THE COURT: Thank you, Mr. Milne.

22 Anyone else had any experience, served as a  
23 juror in a criminal or civil case or as a member of a  
24 grand jury in either state or federal court that we  
25 haven't talked about?

1 All right. Now I want to talk to you a  
2 little bit about law enforcement. Again, this was a  
3 question that was on the questionnaire, and some of  
4 you answered questions about it. But again, it's a  
5 broad question.

6 Have you or any member of your family or  
7 any close friend ever been employed by a law  
8 enforcement agency? Anybody had that experience?

9 All right. Ms. Chavez, anything further  
10 than what we talked about up here at the bench, or  
11 did we pretty much exhaust it up here at the bench?

12 MS. CHAVEZ: No.

13 THE COURT: Anything further on that?

14 MS. CHAVEZ: No. Well, my husband is on  
15 the law enforcement side.

16 THE COURT: Okay. All right. Anything  
17 about his work, your relationship with him, keep you  
18 from being fair and impartial?

19 MS. CHAVEZ: No.

20 THE COURT: All right. Thank you,  
21 Ms. Chavez.

22 Mr. Troy, what's been your experience or  
23 relationship with law enforcement?

24 MR. TROY: I had a son-in-law previously  
25 that was at the correction facility in Santa Fe, in



1 '94 through '96. He wasn't my son-in-law at that  
2 time, but '98 through 2000.

3 THE COURT: So he was there and then he  
4 went back?

5 MR. TROY: Um-hum.

6 THE COURT: Anything about his work, your  
7 relationship with him, that would keep you from being  
8 fair and impartial to the parties in this case?

9 MR. TROY: No.

10 THE COURT: Thank you, Mr. Troy. Anyone  
11 else?

12 All right. Let's go down here to  
13 Ms. Dwore. Ms. Dwore, what's been your experience or  
14 relationship with law enforcement?

15 MS. DWORE: I've had several acquaintances  
16 who were sheriff's deputies, FBI special agents. No  
17 members in the family.

18 THE COURT: All right. Let's talk about  
19 FBI agents. Were they here in New Mexico?

20 MS. DWORE: Yes, or they're former agents,  
21 is my neighbor in Santa Fe.

22 THE COURT: What's his or her name?

23 MS. DWORE: Retired agent Scott Metcalf.

24 THE COURT: Okay. Anything about your  
25 relationship with any of these deputy sheriffs or

1 sheriffs or FBI agents that would keep you from being  
2 fair and impartial to the parties in this case?

3 MS. DWORE: I think not, Your Honor.

4 THE COURT: Thank you, Ms. Dwore.

5 Who else had their hand up here in the  
6 front row?

7 Let's go to the second row. Who had their  
8 hand up?

9 All right. Ms. Trujillo?

10 MS. TRUJILLO: My sister served with the  
11 Navajo Police Department.

12 THE COURT: All right. And anything about  
13 your relationship with her, her work, anything that  
14 would keep you from being fair and impartial to the  
15 parties in this case?

16 MS. TRUJILLO: No.

17 THE COURT: Thank you, Ms. Trujillo.

18 Anyone else back over here?

19 All right. Mr. Swantner.

20 MR. SWANTNER: One friend of about 20 years  
21 served in the Bernalillo Sheriff's Department.

22 Another friend was also in the Bernalillo Sheriff's  
23 Department. An uncle in California was the sheriff.

24 I don't remember the name of the county. Also, my  
25 aunt works for the sheriff's department there, as

1 well.

2 THE COURT: All right. Anything about  
3 their work, your relationship with them, that would  
4 keep you from being fair and impartial to the parties  
5 in this case?

6 MR. SWANTNER: No, sir.

7 THE COURT: Thank you, Mr. Swantner.

8 Did you have something or are you just  
9 holding the mic?

10 MS. MORALES: Only what's previously  
11 discussed.

12 THE COURT: Other than what you talked  
13 about up here at the bench? All right.

14 Let's go back, then, to the back row. Is  
15 that Ms. Vasquez? What's been your experience,  
16 Ms. Vasquez, in your relationship with law  
17 enforcement?

18 MS. VASQUEZ: My husband worked for Curry  
19 County Detention Center about four years ago.

20 THE COURT: All right. Anything about his  
21 work, your relationship with him, that would keep you  
22 from being fair and impartial to the parties in this  
23 case?

24 MS. VASQUEZ: No.

25 THE COURT: Thank you, Ms. Vasquez.

1 Who else back over there -- let's stay on  
2 that back row down there. Is that Ms. McKee?

3 MS. McKEE: Yes.

4 THE COURT: All right, Ms. McKee. What's  
5 your relationship with law enforcement?

6 MS. McKEE: I work for the County of Lea  
7 and work within the sheriff's department, so I know  
8 pretty much everyone that works there. And my mom  
9 works there, as well.

10 THE COURT: With the Lea County Public  
11 Safety Department?

12 MS. McKEE: I work for maintenance, so I  
13 work in all the buildings, so I know everybody.

14 THE COURT: All right. Anything about your  
15 work, your mother's work, your relationship with law  
16 enforcement that would keep you from being fair and  
17 impartial to the parties in this case?

18 MS. McKEE: No.

19 THE COURT: Thank you, Ms. McKee.

20 Anyone else in the back row?

21 All right. Is that Mr. Spencer?

22 MR. SPENCER: Yes, sir.

23 THE COURT: What's been your relationship  
24 with law enforcement?

25 MR. SPENCER: My uncle was a San Diego

1 County sheriff.

2 THE COURT: Anything about his work, your  
3 relationship with him, that would keep you from being  
4 fair and impartial to the parties in this case?

5 MR. SPENCER: No.

6 THE COURT: Thank you, Mr. Spencer.

7 Anybody else on your row?

8 All right, Mr. Yancey. What's been your  
9 experience?

10 MR. YANCEY: My Aunt Terry is a  
11 correctional officer. I know she's a lieutenant, but  
12 I'm not really close with her, so I don't even know  
13 which correctional facility she works at.

14 THE COURT: Do you know the locality of it,  
15 where she lives?

16 MR. YANCY: She lives in Albuquerque.

17 THE COURT: Anything about your  
18 relationship with her, her work, that would keep you  
19 from being fair and impartial to the parties here?

20 MR. YANCEY: No.

21 THE COURT: All right. Thank you, Mr.  
22 Yancey.

23 Let's go to the row right in front of you.  
24 Mr. Marquardt?

25 DR. MARQUARDT: I have a very longtime

1 friend whose son was a city police officer in Texas  
2 and is currently working for the Secret Service.

3 THE COURT: Anything about his work, your  
4 relationship with the family, that would keep you  
5 from being fair and impartial to the parties here?

6 DR. MARQUARDT: No.

7 THE COURT: Thank you, Mr. Marquardt.  
8 Anyone else on that row? All right.

9 Is that Ms. Trujillo? What's been your  
10 experience, relationship, with law enforcement?

11 MS. TRUJILLO: My brother was a stater for  
12 two years and he's currently APD.

13 THE COURT: And anything about your  
14 relationship with him, his work, that would keep you  
15 from being fair and impartial to the parties here?

16 MS. TRUJILLO: No.

17 THE COURT: Thank you, Ms. Trujillo.  
18 Anybody else on that row?

19 All right, Mr. Kimmick?

20 MR. KIMMICK: My uncle was a New Mexico  
21 State Police officer for 21 years, 16 of which was  
22 undercover narcotics. And I worked for New Mexico  
23 State University Campus Police for a year. And my  
24 grandfather was a reservist deputy for the Grant  
25 County Sheriff's Office.

1 THE COURT: All right. Anything about your  
2 work, their work, your relationship with them, that  
3 would keep you from being fair and impartial to the  
4 parties in this case?

5 MR. KIMMICK: No, sir. It actually makes  
6 you look closer at evidence that's gathered.

7 THE COURT: I appreciate that. Thank you,  
8 Mr. Kimmick.

9 Anyone else on that row? Mr. Meyer?

10 MR. MEYER: I was a special agent for the  
11 State of New Mexico.

12 THE COURT: Did you work in the AG's  
13 office?

14 MR. MEYER: I worked for OIG, Department of  
15 Human Services.

16 THE COURT: It was Human Services, wasn't  
17 it? Anything about your work that would keep you  
18 from being fair and impartial to the parties in this  
19 case?

20 MR. MEYER: No.

21 THE COURT: Thank you, Mr. Meyer.

22 Anyone else on that row?

23 All right. Then I think we're moving  
24 forward. Anybody on the front row that had a  
25 relationship -- oh, did somebody at the end?

1 Ms. Nelson, what's been your relationship  
2 in working with law enforcement?

3 MS. NELSON: My ex-husband worked for the  
4 Alamogordo Police Department for about a year.

5 THE COURT: Anything about his work, your  
6 relationship with him, that would keep you from being  
7 fair and impartial to the parties in this case?

8 MS. NELSON: No.

9 THE COURT: All right. Thank you,  
10 Ms. Nelson.

11 Anyone else over on this side of the room?

12 All right. We'll go -- all right. We've  
13 got Ms. Beavers here on the front row.

14 Ms. Beavers, what's been your relationship  
15 with law enforcement?

16 MS. BEAVERS: I have a nephew who is a  
17 corrections officer in Arizona.

18 THE COURT: Anything about your  
19 relationship with him, his work, that would keep you  
20 from being fair and impartial to the parties in this  
21 case?

22 MS. BEAVERS: No.

23 THE COURT: Anyone else on that front row?

24 Then we'll go over to this side of the  
25 room. We might as well start with Ms. Nitterauer.



1 Have you got your hand up? What's been your  
2 relationship with law enforcement?

3 MS. NITTERAUER: I was a civilian  
4 contractor to the Albuquerque Police Department  
5 collecting forensic evidence in DUI cases.

6 THE COURT: Anything about your work,  
7 relationship with the APD, that would keep you from  
8 being fair and impartial to the parties in this case?

9 MS. NITTERAUER: No.

10 THE COURT: Thank you, Ms. Nitterauer.

11 Let's see. Who else had their hand up?  
12 Ms. Duncan? What's been your relationship with law  
13 enforcement?

14 MS. DUNCAN: My brother was a Fairfax  
15 County, Virginia, police officer for 27 years,  
16 including undercover narcotics, criminal  
17 investigation, and SWAT.

18 THE COURT: All right. Anything about your  
19 relationship with your brother, his work, that would  
20 keep you from being fair and impartial to the parties  
21 in this case?

22 MS. DUNCAN: No.

23 THE COURT: Thank you, Ms. Duncan.

24 Anyone else on that row? Let's see where  
25 the mic stops.

1 Mr. Medina.

2 MR. MEDINA: Yes, I have a cousin that's  
3 with the New Mexico State Police, and --

4 THE COURT: What is his name?

5 MR. MEDINA: His name is David Candelaria.

6 THE COURT: All right. And anyone else?

7 MR. MEDINA: Yes, I have a good friend  
8 that's a retired captain from the Dona Ana County  
9 Sheriff's Department.

10 THE COURT: Anybody else in your family  
11 or --

12 MR. MEDINA: Yes. My brother was a  
13 corrections officer for 15 years at Southern New  
14 Mexico Correctional Facility.

15 THE COURT: Anything about your  
16 relationship with them, their work, that would keep  
17 you from being fair and impartial to the parties in  
18 this case?

19 MR. MEDINA: No, sir.

20 THE COURT: All right. Thank you, Mr.  
21 Medina.

22 Mr. Mott, did you have your hand up?

23 MR. MOTT: Yes, sir.

24 THE COURT: What's been your relationship  
25 with law enforcement?

1 MR. MOTT: I have a nephew who is the head  
2 of strategic planning with the United States Border  
3 Patrol, and I have a very close friend that's a  
4 retired deputy from Harris County, Texas.

5 THE COURT: Where is Harris County?

6 MR. MOTT: It's Houston.

7 THE COURT: Is there anything about your  
8 relationship with them, their work, that would keep  
9 you from being fair and impartial to the parties in  
10 this case?

11 MR. MOTT: No, sir.

12 THE COURT: Thank you, Mr. Mott.

13 How about the next row behind you? Let's  
14 see. Is that Mr. Scifres or is that Mr. Donart?

15 MR. DONART: One of my good friends is a  
16 Sandoval County deputy. And a variety of loose  
17 contacts, APD and Bernalillo County.

18 THE COURT: Anything about their work, your  
19 relationship with them, that would keep you from  
20 being fair and impartial, Mr. Donart?

21 MR. DONART: No, sir.

22 THE COURT: Thank you, Mr. Donart.

23 Who else? Ms. Scifres?

24 MS. SCIFRES: My father-in-law was retired  
25 Roswell Police Department, and my nephew, as well.

1 THE COURT: All right. Anything about your  
2 relationship with them, their work, that would keep  
3 you from being fair and impartial in this case?

4 MS. SCIFRES: No.

5 THE COURT: All right, Ms. Scifres, thank  
6 you.

7 Who else? Is that Mr. Kulpa?

8 MR. KULPA: Yes.

9 THE COURT: What has been your relationship  
10 with law enforcement?

11 MR. KULPA: My father is a retired United  
12 States customs inspector. He worked in the Niagara  
13 Falls/Buffalo, New York, area for about 25 years.

14 THE COURT: Anything about his work, your  
15 relationship with him, that would keep you from being  
16 fair and impartial to the parties in this case?

17 MR. KULPA: No.

18 THE COURT: Thank you, Mr. Kulpa.

19 Anyone else on that row? Ms. Cardenas?

20 MS. CARDENAS: My nephew is currently  
21 working for the police department in Luna County.

22 THE COURT: Anything about his work, your  
23 relationship with him, that would keep you from being  
24 fair and impartial to the parties in this case?

25 MS. CARDENAS: No.

1 THE COURT: Mr. Johnson, what's been your  
2 experience in relationship to law enforcement?

3 MR. JOHNSON: I work as a social worker  
4 doing psych assessments there at the Eastern County  
5 Medical Center. And they would bring patients into  
6 the ER, the police would, and I have got to know them  
7 that way.

8 I worked for about a year and a half at the  
9 Chaves County Detention Center. And just over the  
10 years, especially as a social worker, my relationship  
11 with them, I had a lot of close friends and have a  
12 high respect for the officers and people that do that  
13 kind of work.

14 THE COURT: All right. And is there  
15 anything about your work or your relationship with  
16 these law enforcement that would keep you from being  
17 fair and impartial to the parties in this case?

18 MR. JOHNSON: As a social worker, I really  
19 try to look at the whole thing and the objective, and  
20 so my 20 years and my master's degree and all that, I  
21 think I've learned to be able to do that.

22 THE COURT: So you think you can be an  
23 objective, fair, impartial juror?

24 MR. JOHNSON: I do.

25 THE COURT: All right. Thank you, Mr.

1 Johnson.

2 Anyone else in that row? Ms. Large?

3 MS. LARGE: Currently I'm an intern at the  
4 LOPD in Albuquerque, the public defender's office,  
5 and I frequent MDC quite often.

6 THE COURT: All right. So that's the state  
7 public defender's office there?

8 MS. LARGE: Yes. That is the office of the  
9 public defender.

10 THE COURT: You're an intern there?

11 MS. LARGE: Correct.

12 THE COURT: Anything about your current  
13 work, relationship with those, anything about those  
14 that would keep you from being fair and impartial to  
15 the parties in this case?

16 MS. LARGE: No, sir.

17 THE COURT: Thank you, Ms. Large.

18 Anyone else on that back row? Is that  
19 Mr. Hinson, or is there somebody in between  
20 Mr. Hinson? We'll go with you.

21 MR. MOORE: This is Mr. Moore.

22 THE COURT: Oh, I'm sorry, Mr. Moore.

23 MR. MOORE: I have a first cousin in the  
24 Austin area whose husband is a sheriff's deputy and  
25 has been a detective.

1 THE COURT: Anything about his work, your  
2 relationship with him, that would keep you from being  
3 fair and impartial to the parties in this case?

4 MR. MOORE: No, sir.

5 THE COURT: Thank you, Mr. Moore.

6 Anyone else on that back row?

7 Let me just ask the question again and see  
8 if it picks up anything else.

9 Have you or any member of your family or  
10 any close friend ever been employed by a law  
11 enforcement agency that we haven't already talked  
12 about? Anybody had that experience?

13 All right. Now, really, it's going to be  
14 the next two questions, but we'll start with the  
15 first one. If you answer yes or you don't understand  
16 the question, you want to discuss it up here at the  
17 bench, please indicate, and you can come up to the  
18 bench. But again, it's a broad question. Some of  
19 this came up on your questionnaires. But have you  
20 ever been involved in any court in a criminal matter  
21 that concerned yourself, any member of your family,  
22 or a close friend, either as a defendant, a witness,  
23 or a victim? Anybody had that experience with the  
24 criminal justice system?

25 All right. Ms. Griego, what's been your

1 experience with the criminal justice system?

2 MS. GRIEGO: My son is a 100% disabled  
3 combat veteran, and he was arrested for brandishing a  
4 firearm in Albuquerque. And I went to his trial and  
5 testified and went through the proceedings and that.

6 THE COURT: Okay. And how did it get  
7 resolved, Ms. Griego?

8 MS. GRIEGO: He ended up getting a deferred  
9 sentence. They took into account the fact that he  
10 has severe PTSD and mild traumatic brain injury. And  
11 he did probation and got counseling and help, and  
12 he's doing real well right now.

13 THE COURT: Anything about that experience  
14 that would keep you from being fair and impartial to  
15 the parties in this case?

16 MS. GRIEGO: No.

17 THE COURT: Thank you, Ms. Griego.

18 Anyone else had any relationship,  
19 experience with the criminal justice system?

20 Mr. Swantner? Pass it on down there to the  
21 very end. What's been your experience with the  
22 criminal justice system?

23 MR. SWANTNER: In about 1998 I was arrested  
24 for assault in Denver.

25 THE COURT: And those charges were dropped;



1 correct?

2 MR. SWANTNER: Eventually, yeah. I was  
3 booked, but it was later dropped.

4 THE COURT: Anything about that experience  
5 that would keep you from being fair and impartial to  
6 the parties in this case?

7 MR. SWANTNER: No.

8 THE COURT: Thank you, Mr. Swantner.

9 Anyone else in the jury box that's had some  
10 experience, relationship with the criminal justice  
11 system?

12 All right. Then let's go back there. Is  
13 that Mr. Saiz?

14 What's been your experience?

15 MR. SAIZ: Yes, sir. I was arrested for a  
16 DV. Those charges were dropped.

17 THE COURT: Dropped. Okay.

18 MR. SAIZ: I was also a witness for -- in a  
19 matter between family members. They called me as a  
20 witness for a restraining order between them, and I  
21 don't know the outcome of that.

22 THE COURT: Anything about those  
23 experiences that would keep you from being fair and  
24 impartial to the parties in this case, Mr. Saiz?

25 MR. SAIZ: No, Your Honor.

1 THE COURT: All right.

2 Hand that mic back to Ms. Vazquez right  
3 behind you. We'll get her.

4 Ms. Vazquez, what's been your --

5 MS. VAZQUEZ: May I come up there and speak  
6 to you?

7 THE COURT: You may.

8 Anyone else? Right next to you.

9 Ms. Campbell, what's been your experience  
10 with the criminal justice system?

11 MS. CAMPBELL: In 1996 my younger brother  
12 was killed by a 16-year-old and he -- it ended up  
13 being a plea deal so the perpetrator got -- I don't  
14 know -- nine years, I think.

15 THE COURT: All right. Anything about that  
16 experience that would keep you from being fair and  
17 impartial to the parties in this case?

18 MS. CAMPBELL: No.

19 THE COURT: All right. Thank you, Ms.  
20 Campbell.

21 Anyone else back over here that's had some  
22 experience with the criminal justice system?

23 All right. Ms. Vazquez, why don't you make  
24 your way up, and then we'll go to this side over  
25 here.

1 I think Mr. Johnson has his hand up; is  
2 that correct, Mr. Johnson? What's been your  
3 experience with the criminal justice system?

4 MR. JOHNSON: My wife was killed by a drunk  
5 driver in 2015. The court is still pending. It's  
6 constantly being delayed, and so I haven't had a very  
7 good experience so far with that. So that's really  
8 all I can say, is that I think I could be fair and  
9 just, but I haven't had a good experience with the  
10 court system at this point.

11 THE COURT: All right. I understand that.  
12 But you do think you could be fair and impartial to  
13 the parties in this case?

14 MR. JOHNSON: Yes.

15 THE COURT: All right. Thank you, Mr.  
16 Johnson.

17 Anyone else? All right. Just pass that  
18 mic on down, and I may have to have a little help on  
19 that back row.

20 Mr. Krohn, what's been your experience?

21 MR. KROHN: Yes, Your Honor. I was called  
22 as an eyewitness before a grand jury in an armed  
23 robbery case.

24 THE COURT: And anything about that  
25 experience that would keep you from being fair and

1 impartial to the parties in this case?

2 MR. KROHN: No, Your Honor.

3 THE COURT: Thank you, Mr. Krohn. Is there  
4 someone else next to you? Is it Mr. Bunnell? No?  
5 Oh, right in front of you. Is that Mr. Kennedy?

6 MR. KENNEDY: Yes, sir.

7 THE COURT: All right, Mr. Kennedy, what's  
8 been your experience with the criminal justice  
9 system?

10 MR. KENNEDY: In 2014 I was arrested for  
11 permitting a house party, as well as interference  
12 with a peace officer.

13 THE COURT: All right. Anything about that  
14 experience that would keep you from being fair and  
15 impartial to the parties here?

16 MR. KENNEDY: No, sir.

17 THE COURT: Thank you, Mr. Kennedy.

18 Anyone else over here? Mr. Medina, what's  
19 been your experience with the criminal justice  
20 system?

21 MR. MEDINA: Yes, sir. May I approach?

22 THE COURT: You may. Come on up.

23 Anybody else had any experience with the  
24 criminal justice system that we haven't already  
25 picked up? Who else had their hand up?

1           Mr. Zink, what's been your experience with  
2           the criminal justice system?

3           MR. ZINK: In 2016 I was attacked and  
4           kidnapped and it went to court.

5           THE COURT: And what was the --

6           MR. ZINK: Good experience.

7           THE COURT: Good experience?

8           MR. ZINK: Well, not the kidnapping, but  
9           the court experience was a good experience.

10          THE COURT: I think we understood.  
11          Anything about that experience that would keep you  
12          from being fair and impartial to the parties here?

13          MR. ZINK: No.

14          THE COURT: Thank you, Mr. Zink.

15          Anyone else that has been involved in any  
16          court in a criminal matter that concerned yourself,  
17          any member of your family, or a close friend, either  
18          as a defendant, a witness, or a victim? Anybody had  
19          that experience?

20          Mr. Brugger, what's been your experience  
21          with the criminal justice system? Do you want to  
22          approach?

23          MR. BRUGGER: Yes.

24          THE COURT: Anybody else been involved in  
25          any court in a criminal matter that concerned

1     yourself, any member of your family, or a close  
2     friend, either as a defendant, a witness, or a  
3     victim, other than the three jurors we have up here?

4             All right. We've got a hand right back  
5     here. I believe that's Ms. Solis.

6             What's been your experience with the  
7     criminal justice system?

8             MS. SOLIS: My son was arrested for DUI and  
9     possession of drugs.

10            THE COURT: And how did that get resolved?

11            MS. SOLIS: The drug part was dropped, and  
12     he did get the DUI. So he had to do probation, and  
13     get the interlock on his car.

14            THE COURT: Anything about that experience  
15     that would keep you from being fair and impartial to  
16     the parties in this case?

17            MS. SOLIS: No.

18            THE COURT: All right. Thank you,  
19     Ms. Solis.

20            Anyone else ever been involved in any court  
21     in a criminal matter that concerned yourself -- who  
22     else had their hand up back here? All right. Is  
23     that --

24            MR. KIMMICK: I only had the one citation  
25     that I wrote when I was working for the campus police

1 department, for public indecency. And I had to --  
2 well, if he hadn't peed on my leg, I wouldn't have  
3 had to go through and write him a citation and  
4 actually appear in front of the judge. So that was  
5 my only experience. Not a very good campus police  
6 officer.

7 THE COURT: They've got some real crimes on  
8 those universities. Anything about that experience,  
9 Mr. Kimmick, that would keep you from being fair and  
10 impartial to the parties in this case?

11 MR. KIMMICK: As long as they don't pee on  
12 my leg, I guess I'll be just fine.

13 THE COURT: Thank you, Mr. Kimmick.

14 Anyone else that's been involved in any  
15 court in a criminal matter that concerned yourself,  
16 any member of your family, or close friend, either as  
17 a defendant -- all right, Ms. Riley?

18 MS. RILEY: Yes.

19 THE COURT: What's been your experience?

20 MS. RILEY: When my son was 14, he staged a  
21 protest at his school and refused to leave. And so  
22 they threw him out, and we had to go to court, and he  
23 ended up getting probation for it. I don't know if  
24 that counts as criminal, but we did go to court for  
25 it.

1 THE COURT: They arrested him and treated  
2 him as?

3 MS. RILEY: Yes, they took him out of the  
4 school. A police officer took him out of the school.

5 THE COURT: So he was arrested and then  
6 prosecuted for it?

7 MS. RILEY: Well, yeah. We had to go see  
8 the judge for it in Estancia.

9 THE COURT: Anything about that experience  
10 that would keep you from being fair and impartial to  
11 the parties in this case?

12 MS. RILEY: I don't think so.

13 THE COURT: Thank you, Ms. Riley.

14 Anyone else been involved in any court in a  
15 criminal matter that concerned yourself, any member  
16 of your family, close friend, either as a defendant,  
17 a witness, or a victim that we haven't talked about?  
18 We've got these three jurors here.

19 All right, Ms. Vazquez, if you'll come in  
20 here, and if the lawyers will come up.

21 (The following proceedings were held at the  
22 bench.)

23 THE COURT: How are you, Ms. Vazquez? Let  
24 me get the attorneys up.

25 MS. VAZQUEZ: So I've been arrested a



1 couple times, tickets for one. I was also arrested  
2 for a domestic violence battery on a household  
3 member, convicted of that one. And then I've been  
4 arrested for a DUI. It was dismissed. And they were  
5 all over 10 to 15 years ago.

6 THE COURT: Okay. Anything about those  
7 experiences that would keep you from being fair and  
8 impartial to the parties here?

9 MS. VAZQUEZ: No.

10 THE COURT: All right.

11 MS. VAZQUEZ: And then I did have a niece  
12 that just got out of prison two years ago, my  
13 husband's niece, but she's like the baby I raised,  
14 sort of. She did time for child abuse.

15 THE COURT: Anything about your  
16 relationship with her, what she did, that would keep  
17 you from being fair and impartial to the parties  
18 here?

19 MS. VAZQUEZ: No.

20 THE COURT: All right. Mr. Beck?

21 MR. BECK: I don't have any questions.

22 THE COURT: Do the defendants in this case  
23 have any questions? Mr. Sindel?

24 MR. SINDEL: Your husband's niece.

25 MS. VAZQUEZ: My husband, yes.

1 MR. SINDEL: But you're close to her?

2 MS. VAZQUEZ: Yes.

3 MR. SINDEL: Almost like you raised her?

4 MS. VAZQUEZ: Well, she lived with us, so  
5 she came as a girl of 10 or 13 or 14. Because I have  
6 rules, she decided to go live with Grandma, who let  
7 her do whatever. So that's how that went down, yeah.

8 MR. SINDEL: Was that a pretty big  
9 disappointment?

10 MS. VAZQUEZ: It was. It was sad. We went  
11 with her to court, we made contact with her while she  
12 was in jail, just to check on her, put money on her  
13 books, because we wanted to make sure she was okay in  
14 there.

15 MR. SINDEL: She's out now?

16 MS. VAZQUEZ: She's been out for two years  
17 now.

18 MR. SINDEL: Doing good?

19 MS. VAZQUEZ: Yeah, she's on probation.  
20 She's got a family. She's got a good job.

21 MR. SINDEL: That's great. So that's  
22 somebody who went in, came out of it, and you think  
23 may have learned something?

24 MS. VAZQUEZ: Yeah. She got her GED in  
25 there; a lot of good things while she was in there.

1 MR. SINDEL: Before that, like you said,  
2 you try to do your best, but it just wasn't working?

3 MS. VAZQUEZ: Right. Right.

4 MR. SINDEL: Did she ever talk to you about  
5 her experiences while she was in prison, things that  
6 happened?

7 MS. VAZQUEZ: No, not really her  
8 experiences. Just that it scared her and she don't  
9 want to go back. That's all she said.

10 MR. SINDEL: It's a scary place, wouldn't  
11 you agree?

12 MS. VAZQUEZ: Yes.

13 MR. SINDEL: When she went there, wouldn't  
14 you say you were scared for her well-being?

15 MS. VAZQUEZ: I was at times.

16 MR. SINDEL: And her physical well-being?

17 MS. VAZQUEZ: You hear stories, but you  
18 don't know.

19 MR. SINDEL: True or not?

20 MS. VAZQUEZ: Yeah.

21 MR. SINDEL: Sometimes they are, and maybe  
22 sometimes they aren't.

23 MS. VAZQUEZ: Right.

24 MR. SINDEL: And is there anything at all  
25 about the fact that she went through these

1 experiences and shared them with you that you think  
2 would affect your ability -- because this is a prison  
3 case --

4 MS. VAZQUEZ: Okay.

5 MR. SINDEL: You know that; right?

6 MS. VAZQUEZ: Yes.

7 MR. SINDEL: And you know that all these  
8 events, almost all of them, occurred in the prison  
9 setting?

10 MS. VAZQUEZ: Okay.

11 MR. SINDEL: Okay. So is there anything  
12 about the fact that you were apprehensive or  
13 concerned about your husband's niece that would cause  
14 you any -- you know, bring those feelings back to you  
15 and interfere --

16 MS. VAZQUEZ: No.

17 MR. SINDEL: You look really confident.

18 MS. VAZQUEZ: No, I don't think so. I  
19 mean, I'm a social worker and I pride myself on being  
20 unbiased and being nonjudgmental and looking at the  
21 facts and everything.

22 MR. SINDEL: That's good. My mom was a  
23 social worker. She was biased and very judgmental.  
24 I'm glad you're doing better than she is.

25 MS. VAZQUEZ: I pride myself not being that

1 way so...

2 MR. SINDEL: Thank you.

3 THE COURT: Anybody else? Any other  
4 defendant?

5 Ms. Vazquez, thank you very much. I  
6 appreciate it.

7 Mr. Medina.

8 MR. MEDINA: Sir, I'm on a first-name  
9 basis.

10 THE COURT: I'll still call you Mr. Medina.

11 MR. SINDEL: Okay. Here's the deal, Mr.  
12 Medina: You're going to get this seat eventually.

13 THE COURT: Do you want my robe?

14 MR. MEDINA: No way.

15 THE COURT: I like you a lot. It's been a  
16 long time since I've been called too small.

17 MR. MEDINA: No way you're getting off now.

18 THE COURT: What's been your relationship  
19 with the criminal justice system?

20 MR. MEDINA: One of my wife's -- her  
21 brothers -- one of them was arrested for a beating,  
22 and he served 18 months' probation. And then the  
23 sentence was deferred.

24 And then my older brother, who was a  
25 corrections officer, I think -- he wasn't so much

1 convicted, but they made him resign for, like, a  
2 domestic violence so that's why he had to leave the  
3 Corrections Department.

4 And my two daughters and two of my nieces  
5 were molested by the same person.

6 And as far as being just, I don't think --  
7 I would have done a lot worse than what was handed  
8 down, but it is what it is. So...

9 THE COURT: Given those experiences,  
10 anything about them that you think would keep you  
11 from being fair and impartial in this case?

12 MR. MEDINA: No, not really.

13 THE COURT: Okay. Is there something in  
14 the back of your mind that makes you think you might  
15 go one way or another?

16 MR. MEDINA: No, you --

17 THE COURT: You can be fair to everybody in  
18 this room?

19 MR. MEDINA: Yes, in this case. If it were  
20 a different type of case, probably not.

21 THE COURT: But in this case, you think you  
22 could be fair and impartial?

23 MR. MEDINA: I do.

24 THE COURT: Mr. Beck?

25 MR. BECK: Mr. Medina, when did your

1 brother work at Southern?

2 MR. MEDINA: Oh, it's going to be about,  
3 I'm going to say, a good 10 years ago.

4 MR. BECK: So that would have been 2008?

5 MR. MEDINA: Around there, yeah, because --  
6 I'm going to say maybe 10, 12 years ago, yeah.

7 MR. BECK: And for how long did he work  
8 there?

9 MR. MEDINA: Fifteen years. Five years  
10 short of retirement.

11 MR. BECK: And is there anything about his  
12 resignation there that would cause problems for you  
13 in this case if you hear there were prison gangs and  
14 incidents took place in prison?

15 MR. MEDINA: No, he never spoke to me  
16 personally about work.

17 MR. BECK: That's all I've got.

18 THE COURT: Mr. Sindel?

19 MR. SINDEL: What's your brother's name?

20 MR. MEDINA: George K. Medina, Jr.

21 MR. SINDEL: George K. Medina, Jr.?

22 MR. MEDINA: Yes, sir.

23 MR. SINDEL: Was he just a corrections  
24 officer?

25 MR. MEDINA: Yes.

1 MR. SINDEL: Was he in the STG unit, do you  
2 know?

3 MR. MEDINA: What's that?

4 MR. SINDEL: I guess not, if you answered  
5 that --

6 MR. MEDINA: I know he was a sergeant.

7 MR. SINDEL: What's his name?

8 MR. MEDINA: George K. Medina, Jr.

9 MR. SINDEL: He was sort of forced to  
10 resign?

11 MR. MEDINA: Well, he resigned so he could  
12 be able to move on.

13 MR. SINDEL: You said you never talked  
14 about his experience in prison? Did you ever want to  
15 about his experience?

16 MR. MEDINA: No.

17 MR. SINDEL: And you talked about this  
18 really horrible situation about the two daughters?

19 MR. MEDINA: Yes.

20 MR. SINDEL: When you said there is a  
21 certain kind of case that you can't --

22 MR. MEDINA: Yeah.

23 MR. SINDEL: That's it?

24 MR. MEDINA: Yeah.

25 MR. SINDEL: That's not it?



1 MR. MEDINA: No, absolutely not.

2 MR. SINDEL: All right, Mr. Medina. It's  
3 always nice to see you.

4 MR. MEDINA: I'll be here again.

5 THE COURT: Anyone else?

6 All right. Thank you, sir.

7 Mr. Brugger. What's been your --

8 MR. BRUGGER: In 2012 I had three years'  
9 unsupervised probation on a misdemeanor.

10 THE COURT: What's the misdemeanor?

11 MR. BRUGGER: It was possession of obscene  
12 material.

13 THE COURT: And is there anything about  
14 that experience that would keep you from being fair  
15 and impartial to the parties here?

16 MR. BRUGGER: No.

17 THE COURT: Mr. Beck?

18 MR. BECK: Is that the only time that  
19 you've been charged, in 2012?

20 MR. BRUGGER: Yeah, it was over something  
21 in 2009, because it took that long to go to trial.  
22 It never went to trial, because I pled it out,  
23 because I had already moved to New Mexico. Probably  
24 if it went to trial, there wouldn't have been any  
25 evidence. Really what I had was not illegal in this

1 state; only in Tennessee.

2 MR. BECK: So if I understand, you were  
3 arrested in 2009, and then the case wasn't resolved  
4 or completed until 2012?

5 MR. BRUGGER: Yes.

6 MR. BECK: Was it pled to a misdemeanor?

7 MR. BRUGGER: Yes.

8 MR. BECK: That's all.

9 THE COURT: Thank you, Mr. Beck.

10 Mr. Sindel?

11 MR. SINDEL: I'm sorry, I didn't hear what  
12 state.

13 MR. BRUGGER: Tennessee.

14 MR. SINDEL: And when you were  
15 unsupervised, you didn't have to report?

16 MR. BRUGGER: No.

17 MR. SINDEL: All you had to do was count  
18 down --

19 MR. BRUGGER: Count down the time.

20 MR. SINDEL: Get it over with?

21 Thank you, sir.

22 THE COURT: Anybody else have anything?

23 MR. BECK: I do. If in this case there is  
24 testimony or evidence about problems for people in  
25 the prison who have some obscene material and bad

1 things happen to those people, will those allegations  
2 or that evidence cause you problems in listening to  
3 the evidence in this trial?

4 MR. BRUGGER: No, not at all.

5 THE COURT: Anything else, Mr. Beck?

6 MR. BECK: No, Your Honor.

7 THE COURT: Anybody else? All right.

8 Thank you, Mr. Brugger. I appreciate it.

9 MR. BRUGGER: Can I say something? I told  
10 you about that murder trial in Pennsylvania. You may  
11 know who the prosecuting attorney was. Tom Ridge.

12 THE COURT: Oh, okay. All right. You got  
13 to see a good show.

14 Ms. Campbell.

15 MS. CAMPBELL: In 2009 my son was a senior  
16 in high school, and he got in trouble for having a  
17 gun in the trunk of his car, so he was arrested and  
18 unable to finish high school. He did graduate, but  
19 he wasn't able to participate in anything, and then  
20 it was a conditional release, so it was off his  
21 record after he completed 18 months, or whatever.

22 THE COURT: Anything about that experience  
23 that would keep you from being fair and impartial to  
24 the parties in this case?

25 MS. CAMPBELL: No.

1 THE COURT: Mr. Beck?

2 MR. BECK: Ms. Campbell, will you remind  
3 me, were you the one who had the brother killed?

4 MS. CAMPBELL: Yes.

5 MR. BECK: And I think you said that there  
6 was a plea deal in that case?

7 MS. CAMPBELL: Yes.

8 MR. BECK: How did you feel about the  
9 murder plea in that case?

10 MS. CAMPBELL: I was glad he got some time.  
11 In those days, a lot of cases, they were not finding  
12 people guilty. So I was glad that there was some  
13 time given to him.

14 MR. BECK: Was there anything about the  
15 resolution that you were not glad about?

16 MS. CAMPBELL: Which part?

17 MR. BECK: I mean, you said you were glad  
18 he got some time. Was it overall a good or bad  
19 experience?

20 MS. CAMPBELL: It was a horrible  
21 experience.

22 MR. BECK: Well, that was a stupid  
23 question. I mean, there is nothing about him in  
24 pleading out to less time that really caused you more  
25 grief or made you not like the court system?

1 MS. CAMPBELL: Oh, no.

2 MR. BECK: That's all.

3 THE COURT: Mr. Sindel.

4 MR. SINDEL: Did you feel like he got a  
5 deal that was better than he deserved?

6 MS. CAMPBELL: No, I was just glad that he  
7 got some time.

8 MR. SINDEL: Okay. And was it something he  
9 had to do in order to get a lower sentence?

10 MS. CAMPBELL: He had to plead guilty to  
11 second-degree murder.

12 MR. SINDEL: So it was murder in the second  
13 degree?

14 MS. CAMPBELL: Yes.

15 MR. SINDEL: And they reduced the charge  
16 because of that?

17 MS. CAMPBELL: Yeah.

18 MR. SINDEL: Did he do anything in terms of  
19 cooperating with the police or in terms of other  
20 people, what happened, or anything like that?

21 MS. CAMPBELL: They were trying to charge  
22 two different people, and so I think the second guy  
23 got less of a sentence, or he got off, and then they  
24 got the one guy. I think other people pled against  
25 him, so then he finally pled to second degree. Then

1 the other guy got off, or something like that. I  
2 don't remember about the other guy so much.

3 MR. SINDEL: Were you pretty convinced that  
4 he deserved what he got?

5 MS. CAMPBELL: Yes.

6 MR. SINDEL: Absolutely; right?

7 MS. CAMPBELL: Yes.

8 MR. SINDEL: Now, you understand that when  
9 somebody enters a plea of guilty, it's not exactly a  
10 finding of guilt; they say, "I did it"?

11 MS. CAMPBELL: Yes.

12 MR. SINDEL: And what we're doing here is  
13 for you to determine whether someone did something  
14 wrong and there was a criminal act and that the State  
15 has proved the case beyond a reasonable doubt.

16 MS. CAMPBELL: Yes.

17 MR. SINDEL: So you understand there is a  
18 major distinction when somebody says, "I did it," and  
19 when somebody else says, "I don't think you can prove  
20 it; I want my day in court"?

21 MS. CAMPBELL: Yes.

22 MR. SINDEL: Okay. And you're able to do  
23 that and carry out that responsibility?

24 MS. CAMPBELL: I think so.

25 MR. SINDEL: I think so, too. Thank you.

1 THE COURT: Thank you, Mr. Sindel.  
2 Anybody else? All right. Thank you, Ms.  
3 Campbell.

4 Why don't y'all stand here and see if there  
5 is anybody else.

6 (The following proceedings were held in  
7 open court.)

8 THE COURT: Before counsel move back to  
9 their seats, have you ever been involved in any court  
10 in a criminal matter that concerned yourself, any  
11 member of your family or a close friend, either as a  
12 defendant, a witness, or a victim that we haven't  
13 already talked about?

14 All right, Mr. Medina. Do you need to come  
15 back up here?

16 MR. MEDINA: Yes, sir.

17 (The following proceedings were held at the  
18 bench.)

19 MR. MEDINA: I apologize, but I forgot that  
20 I do have a workmen's comp lawyer at this time.

21 THE COURT: Generally that's a civil  
22 matter.

23 MR. MEDINA: Okay.

24 THE COURT: Do you have any more criminal  
25 matters that involve you?

1 MR. MEDINA: No, just that I completely  
2 forgot. I apologize.

3 THE COURT: Thank you, Mr. Medina.

4 MR. COOPER: See you in a minute.

5 (The following proceedings were held in  
6 open court.)

7 THE COURT: All right. Once again, have  
8 you been involved in any court in a criminal matter  
9 that concerned yourself, any member of your family,  
10 or a close friend, either as a defendant, witness, or  
11 a victim that we haven't already talked about?

12 All right. I'm going to leave the lawyers  
13 right here, because I'm going to ask another  
14 question. And again, if you don't understand the  
15 question or you want to discuss it here up at the  
16 bench, please indicate and you can come up to the  
17 bench.

18 But the case may involve some evidence  
19 regarding illegal drugs or narcotics. And if you  
20 want to talk about it in front of everybody, that's  
21 fine, because a lot of times we have family members  
22 or something, and it's not a big deal. But if  
23 someone has something they want to discuss up here.

24 But the question is: Have you had any  
25 experience involving yourself, any member of your



1 family, or a close friend that relates to the use or  
2 possession of illegal drugs or narcotics? Anybody  
3 had that experience.

4 All right. How about, let's do this. Is  
5 there anybody that needs to speak to us at the bench  
6 while I've got all the lawyers up here?

7 Everybody can talk about it? Ms. Vazquez,  
8 do you want to come up here? All right. Anybody  
9 that needs to come up here, come on now, while I've  
10 got all the attorneys up here.

11 While she's coming up, anybody else have  
12 that experience? Let's hear from you, Mr. Zink.

13 MR. ZINK: I need to come up.

14 THE COURT: All right. Ms. Garcia, if  
15 you'll come up right here.

16 (The following proceedings were held at the  
17 bench.)

18 MS. GARCIA: I had a niece that was  
19 involved in drug trafficking. My niece was running  
20 drugs out of San Juan County, or into the county.  
21 They were running them from Las Vegas, Nevada, into  
22 San Juan County. This has been three years ago. She  
23 eventually became involved in a gang out of  
24 California. There were issues in San Juan County.  
25 She had been subpoenaed to show up in court. I don't

1 know all the circumstances, but she committed suicide  
2 prior to the trial. So that is something that our  
3 family is involved in.

4 THE COURT: Sure. Well, a very sad story.

5 MS. GARCIA: It is.

6 THE COURT: Is there anything about that  
7 experience that would keep you from being fair and  
8 impartial to the parties in this case?

9 MS. GARCIA: No, no. I mean, I've worked  
10 with groups in San Juan County, San Juan Family  
11 Preservation, working with displaced youths and first  
12 offenders, trying to alleviate some of the problems.  
13 So I've worked both ends of the spectrum. I've seen  
14 how it affected her, and I've seen the good side of  
15 some of the young adults that we've saved there.  
16 That is an issue that my family was involved in.

17 THE COURT: All right. Thank you,  
18 Ms. Garcia.

19 Mr. Beck.

20 MR. BECK: Thank you, Ms. Garcia. In this  
21 case, if you hear testimony -- and I'm sure you've  
22 kind of gotten onto this, that there is a gang, that  
23 the gang is involved in drug trafficking -- will you  
24 still be able to maybe set aside your personal  
25 experiences and presume these men innocent until

1 proven guilty?

2 MS. GARCIA: I probably will be able to.  
3 My niece made her choices, and we've as a family  
4 dealt with that. I take everything and look at  
5 things objectively. I think I'm an objective person,  
6 but she -- again, she made her choices. I don't know  
7 exactly what all this is about, but I think I can be  
8 impartial.

9 MR. BECK: Okay. And it sounds like it.  
10 So if there is evidence in this case that there is a  
11 gang and that the gang deals in drugs, you know,  
12 deals in drugs, it sounds like you still think you'd  
13 be able to set aside your previous experience with  
14 your niece and just listen to the evidence here in  
15 court and judge these gentlemen fairly.

16 MS. GARCIA: Yes.

17 THE COURT: Mr. Sindel.

18 MR. SINDEL: Hi, there.

19 MS. GARCIA: Hi.

20 MR. SINDEL: The situation with your  
21 niece -- how long did it go on for?

22 MS. GARCIA: She started -- she got  
23 involved in gangs when she was about 14. She  
24 committed suicide when she was 18. The minute she  
25 turned 18, she was 18 and a few days, but she was

1 supposed to appear in court, and we assumed that it  
2 was something that she was trying to avoid.

3 MR. SINDEL: Court?

4 MS. GARCIA: Going to court.

5 MR. SINDEL: These are difficult things,  
6 tough for you, though.

7 MS. GARCIA: That's fine.

8 MR. SINDEL: But was her suicide -- did it  
9 involve drugs, as well? Did she take an overdose?

10 MS. GARCIA: No, she shot herself. But  
11 they said after the autopsy that she probably hadn't  
12 eaten in three or four days; all she had done was  
13 drugs. She killed herself in Las Vegas, Nevada, so,  
14 you know, there was never a trial. We didn't -- I'm  
15 sure my brother-in-law and sister saw the report. I  
16 didn't. They just told us this after the fact.

17 MR. SINDEL: So they basically talked with  
18 you about it?

19 MS. GARCIA: Um-hum.

20 MR. SINDEL: What do you do for a living?

21 MS. GARCIA: I was a human resource  
22 business partner for Williams.

23 MR. SINDEL: Sounds like it.

24 MS. GARCIA: I've been in human resources  
25 for 35 years. But I'm retired. Thank you. I

1       retired two years ago April.

2                   MR. SINDEL:   Well, great.

3                   MS. GARCIA:   So all I'm doing is hanging  
4       out.

5                   MR. SINDEL:   So that job also deals with  
6       the individuals struggling with crisis in their  
7       lives?

8                   MS. GARCIA:   Every day.

9                   MR. SINDEL:   And part of what you had to do  
10      was reach out to those people when they came to you  
11      for assistance and help?

12                  MS. GARCIA:   Yes.

13                  MR. SINDEL:   Do you feel that because this  
14      case is going to involve drugs and you have at least  
15      professional -- my guess is you took it personal,  
16      sometimes -- that that would have an effect on your  
17      ability to sit and listen to the evidence in this  
18      case, because it does involve drugs?

19                  MS. GARCIA:   I have sat through -- because  
20      of my experience in human resources, we sat through  
21      several trials, and I didn't come forward on that  
22      because it wasn't personal; it was professional. But  
23      we sat through several trials. Normally an employee  
24      is suing the company for termination. And I feel I  
25      was always objective because I have to look at it

1 from -- as an employee, not the case that -- I was an  
2 advocate for our employees. I was working for  
3 Williams, of course, but I had to be the advocate for  
4 the employee when corporate was, you know, against  
5 the employee. I had to look at it very objectively,  
6 because I had to take care of my employee. That was  
7 my job at HR. And a lot of people don't realize  
8 that. But that is what a human resource person does.  
9 I'm taking care of the employee.

10 MR. SINDEL: That's a tough job, I have to  
11 tell you.

12 MS. GARCIA: It was. But I was okay. I  
13 knew, going in, what the outcome was going to be 90  
14 percent of the time.

15 MR. SINDEL: And what the outcome would be  
16 90 percent of the time was?

17 MS. GARCIA: The company was usually right.

18 MR. SINDEL: Or got their way?

19 MS. GARCIA: Or got their way. But again,  
20 I knew, because if you are a good human resource  
21 person and you know the law, you can go into it and  
22 tell your company personnel, "You have violated every  
23 EEOC violation possible. She's Hispanic, she's over  
24 40, and she was replaced by a man. How is that going  
25 to go over?" Am I supposed to tell the company that?

1 Yes.

2 MR. SINDEL: It sounds to me like you did a  
3 great job and I perceive that you're a dynamo. You  
4 can't reach the microphone?

5 MS. GARCIA: I can't.

6 MR. SINDEL: But I can tell you, your voice  
7 was heard. Is there anything at all about this  
8 entire collection of experiences -- in fact, you're  
9 going to hear about dangerous drugs, about overdoses,  
10 you're going to hear probably something about  
11 cocaine. These are dangerous drugs, and we hear  
12 about it almost every day. Is there anything about  
13 the fact that you in your personal life, in your  
14 professional life, and just as a citizen of this  
15 country, that would cause you a difficulty to listen  
16 to this case because it involved those things that  
17 resonate in your heart and in your mind?

18 MS. GARCIA: I am scared to death of those  
19 guys. I have no doubt. I am scared to death what  
20 they're doing in society today. But I don't know any  
21 of you. I don't know any of the gentlemen sitting  
22 there. I don't know anything about this case. I  
23 have to sit there with everybody else besides you  
24 guys. I have to sit there and reason out what you're  
25 telling me. Yes, I am scared of drugs. I am also

1     scared of child abuse. I'm also scared of  
2     pedophilia. I'm also scared of all these horrible  
3     things that are going on in the world. But I'm smart  
4     enough to know that -- everybody that comes to court  
5     is not guilty of what they're accused of. In HR, I  
6     lived it every single day, and sometimes it hurt  
7     because I may not have known it, but it may not have  
8     turned out the way I would have wanted it to, and I  
9     had to live with it.

10           MR. SINDEL: We all do. Thank you so much  
11     for your time. I'm going to hire you some day.

12           MR. COOPER: I'm just curious. What does  
13     Williams do? What kind of company?

14           MS. GARCIA: It's an energy company.

15           MR. COOPER: In San Juan County?

16           MS. GARCIA: It was, but I covered  
17     Colorado, Wyoming, Kansas, Michigan, Arizona, and all  
18     of New Mexico.

19           MR. COOPER: Do you still live in San Juan  
20     County?

21           MS. GARCIA: I do.

22           MR. COOPER: Farmington? Aztec?

23           MS. GARCIA: Bloomfield. And in Mora,  
24     we're renovating my family home.

25           MR. COOPER: Your family is from Mora?



1 MS. GARCIA: We're renovating a home up  
2 there.

3 MR. COOPER: I have a friend that just did  
4 that.

5 MS. GARCIA: In Mora?

6 MR. COOPER: Moved back to Mora. Do you  
7 believe it?

8 MS. GARCIA: I can because --

9 MR. COOPER: It's beautiful. She puts her  
10 photographs up on Facebook every day. She and her --

11 MS. GARCIA: I'm afraid I know that friend.  
12 I do know that friend. But yeah, I am going to learn  
13 and process and maybe even go home. I don't know  
14 what we're doing here.

15 THE COURT: Any other defendant have any  
16 other questions?

17 Why don't we take a break? I need to give  
18 Ms. Bean a break. I'll pick you up after the break,  
19 Mr. Zink.

20 (The following proceedings were held in  
21 open court.)

22 THE COURT: All right. So I think we're  
23 going to take a break. I need to give Ms. Bean a  
24 break, so we'll take a 15-minute break. This is the  
25 first one in the afternoon. I want to remind you of

1 a few things that are especially important.

2           Until the trial is completed -- and again,  
3 we haven't really started it -- you're not to discuss  
4 the case with anyone, whether it's members of your  
5 family, people involved in the trial, or anyone else.  
6 And that includes your fellow jurors. Talk about  
7 something else than what's going on in the courtroom.  
8 If anyone approaches and tries to discuss the trial  
9 with you, please let me know about it immediately.

10           Also, you must not read or listen to any  
11 news reports of the trial. Again, please don't get  
12 on your phones or the internet or anything until --  
13 at any time and do any research for purposes of this  
14 case.

15           And finally, remember that you must not  
16 talk about anything with any person who is involved  
17 in the trial, even if it doesn't have anything to do  
18 with the trial. If you need to speak with me, simply  
19 give a note to one of the court security officers.  
20 They're the folks in the blue jackets in the  
21 building.

22           And I'll try not to repeat these every time  
23 we take a break, but I am going to do it at the  
24 beginning so we get in the groove of this because  
25 it's extremely important.

1           Again, stay outside of the courtroom.  
2       Ms. Wild, Ms. Bevel will come out and get you. Take  
3       your belongings with you, and we'll come get you when  
4       we're ready to seat everybody. But when you come  
5       back in, we'll ask you to be seated in the same seats  
6       that you've been seated so far.

7           All right. See you in about 15 minutes.

8           (The venire panel left the courtroom.)

9           THE COURT: All right. We'll be in recess  
10       about 15 minutes. Lawyers, you're certainly welcome  
11       to use the jury restroom here on the side if you  
12       don't want to mingle out there in the front. So  
13       we'll be in recess about 15 minutes.

14          (The Court stood in recess.)

15          THE COURT: Let's go on the record. Let's  
16       just make sure everybody has got counsel, all the  
17       defendants are in the room. I'm going to bring the  
18       jury in. I'm still looking for two of them, but  
19       let's go ahead and bring them in.

20          Y'all just go back to the seat you've been  
21       sitting in all day. That will help the Court with  
22       its continued questioning.

23          All right. So let me have the attorneys  
24       back up.

25          Mr. Zink, you were going to be here.

1           And while they're coming up, let me ask the  
2           question again. Have you had any experience  
3           involving yourself, any member of your family, or any  
4           close friend that relates to the use or possession of  
5           illegal drugs or narcotics? Anybody had that  
6           experience?

7           All right, Ms. Reser, what's been your  
8           experience?

9           Ms. Reser raised her hand. If you'll give  
10          the microphone to her, she had something.

11          MS. RESER: Yes. My younger daughter was  
12          into illegal drugs. She was smoking marijuana and  
13          she used methadone, and was later killed by a drunk  
14          driver.

15          THE COURT: All right. Well, I'm very  
16          sorry to hear that, Ms. Reser. Is there anything  
17          about those experiences that would keep you from  
18          being fair and impartial to the parties in this case?

19          MS. RESER: I can be fair.

20          THE COURT: You can be fair and impartial  
21          to everyone in the room?

22          MS. RESER: Yes, absolutely.

23          THE COURT: I thank you, Ms. Reser.

24          Anyone else that has experience with  
25          illegal narcotics or drugs?

1           Let's go back over here. Ms. Vazquez,  
2           what's been your experience or relationship with  
3           illegal drugs or narcotics?

4           MS. VAZQUEZ: Like I spoke to you guys  
5           about before, my niece, my husband's niece, she had  
6           gotten charges for trafficking methamphetamines.

7           THE COURT: All right. Anything about that  
8           experience that would keep you from being fair and  
9           impartial to the parties in this case?

10          MS. VAZQUEZ: No, sir.

11          THE COURT: Thank you, Ms. Vasquez.

12          Anybody else back there? Ms. Campbell?

13          MS. CAMPBELL: There's a few people in my  
14          family that deal with heroin addiction.

15          THE COURT: Anything about your  
16          relationship with them, what they're dealing with,  
17          that would keep you from being fair and impartial to  
18          the parties in this case?

19          MS. CAMPBELL: No.

20          THE COURT: Thank you, Ms. Campbell.

21          Anyone back over here? Anybody have their  
22          hand up?

23          Ms. Nitterauer, what's been your  
24          experience?

25          MS. NITTERAUER: During the '60s, I did do

1 some experimentation myself, and I quit that in '74  
2 when I got my nursing license, because nothing will  
3 ever, ever get in the way of that.

4 And my nephew was incarcerated for many  
5 years for interstate trafficking and guns and drugs.  
6 And I worked in chemical dependency treatment in  
7 three different settings.

8 THE COURT: All right. Anything about  
9 those experiences that would keep you from being fair  
10 and impartial to the parties in this case?

11 MS. NITTERAUER: No.

12 THE COURT: Thank you, Ms. Nitterauer.

13 Ms. Duncan, what's been your experience?

14 MS. DUNCAN: I have a nephew that is  
15 addicted to drugs and stole a great deal of property  
16 and money from his parents.

17 THE COURT: All right. Anything about that  
18 experience, your relationship with that part of your  
19 family, that would keep you from being fair and  
20 impartial to the parties in this case?

21 MS. DUNCAN: No, sir.

22 THE COURT: Thank you, Ms. Duncan.

23 Anyone else over here? Let's go to the row  
24 in the back.

25 Mr. Donart, did you have your hand up?

1                   Mr. Hinson, did you have your hand up  
2                   again?

3                   MR. MOORE:   Mr. Moore again.   I have a  
4                   couple cousins in the past who have been addicted to  
5                   drugs and have gotten into all kinds of trouble.   One  
6                   died and the other one is clean.

7                   THE COURT:   The other one is clean?

8                   MR. MOORE:   Yeah.

9                   THE COURT:   Anything about their  
10                  experiences, your relationship with them that would  
11                  keep you from being fair and impartial to the parties  
12                  in this case?

13                  MR. MOORE:   No, Your Honor.

14                  THE COURT:   Thank you, Mr. Moore.

15                  Did you have your hand up, Mr. Hinson?

16                  MR. HINSON:   I was arrested in 2014 for  
17                  possession of Ecstasy and cocaine.   I went through  
18                  the preprosecution program, did my probation, no  
19                  conviction.

20                  THE COURT:   Anything about that experience  
21                  keep you from being fair and impartial to the parties  
22                  in this case?

23                  MR. HINSON:   No.

24                  THE COURT:   Thank you, Mr. Hinson.

25                  Anyone else over here?   I thought I saw one

1 more hand up.

2 Mr. Johnson, what's been your experience,  
3 relationship with illegal drugs?

4 MR. JOHNSON: First of all, I've been clean  
5 and sober for 35 years. As a social worker, I've  
6 worked in counseling and a lot of work like that.  
7 Over the years, part of the past 20 years, I've been  
8 involved as a counselor to that type of population.

9 THE COURT: All right. Anything about that  
10 experience, your experience, what you have  
11 experienced that would keep you from being fair and  
12 impartial, Mr. Johnson?

13 MR. JOHNSON: No.

14 THE COURT: Thank you, Mr. Johnson.

15 Anyone else?

16 All right, Ms. Lee, what's been your  
17 experience?

18 MS. LEE: My ex-husband was addicted to  
19 crack for 10 years or so, in and out of rehab  
20 centers, and in the Otero detention center a few  
21 times.

22 THE COURT: Anything about your  
23 relationship with him, his experiences, that would  
24 keep you from being fair and impartial to the parties  
25 in this case?



1 MS. LEE: No, I don't think so.

2 THE COURT: Thank you, Ms. Lee.

3 Anyone else over here have their hands up?

4 Anyone else? Let me repeat the question.

5 All right, Ms. Solis.

6 MS. SOLIS: Again, my son -- basically  
7 throughout his teen years, he was doing a lot of  
8 drugs, which I almost lost him a couple of times,  
9 till this last one when he got the DUI. So he's 25  
10 and he's doing much better.

11 THE COURT: All right. Anything about your  
12 relationship with him, his experiences, that would  
13 keep you from being fair and impartial to the parties  
14 in this case?

15 MS. SOLIS: Not at all.

16 THE COURT: Thank you, Ms. Solis. Anyone  
17 else? Let me sort of repeat the question. Have you  
18 had any experience involving yourself, any member of  
19 your family, or any close friend that relates to the  
20 use or possession of illegal drugs or narcotics that  
21 we haven't already talked about?

22 All right. I'm going to talk to Mr. Zink  
23 here.

24 (The following proceedings were held at the  
25 bench.)

1 MR. ZINK: I just completed a six-month  
2 in-house rehab in November.

3 THE COURT: And what was that for?

4 MR. ZINK: Meth.

5 THE COURT: For meth. How are you today?

6 MR. ZINK: Better on Saturday.

7 THE COURT: Is it better?

8 MR. ZINK: Oh, yeah, a lot better.

9 THE COURT: I'm glad for you.

10 MR. ZINK: Thank you.

11 THE COURT: That's a tough one. A lot of  
12 men that are back there have drug problems and don't  
13 do as well as you're doing.

14 MR. ZINK: I'm doing well.

15 THE COURT: I'm proud of you. Anything  
16 about your experience that would keep you from being  
17 fair and impartial to the parties in this case?

18 MR. ZINK: No, I don't think so.

19 THE COURT: Mr. Beck?

20 MR. BECK: In this case there may likely be  
21 some allegations of drug use inside the prison and  
22 outside the prison. Given your past experiences, do  
23 you tend to think you'll have a hard time hearing  
24 that testimony?

25 MR. ZINK: No, I don't think so.

1 MR. BECK: And would you tend to believe or  
2 disbelieve those allegations, one way or the other,  
3 if you heard that some of these men were in prison at  
4 one time?

5 MR. ZINK: No, I wouldn't even believe them  
6 or not believe them, depending on what the proof is.

7 MR. BECK: And if the judge instructs you  
8 that you're to set aside not necessarily all of your  
9 experience but at least the past experiences and the  
10 drugs and listen to the evidence and information  
11 that's presented just in this trial and decide these  
12 men's guilt or not guilty, would you be able to do  
13 that in this case?

14 MR. ZINK: I believe so.

15 THE COURT: Thank you, Mr. Beck.

16 MR. SINDEL: I've got a lot of tough  
17 questions. Don't get angry at me. But I think there  
18 are some questions that I need know to do my job.

19 MR. ZINK: Okay.

20 MR. SINDEL: How long were you involved in  
21 addictive drugs?

22 MR. ZINK: Six years, so a long time.

23 Um-hum.

24 MR. SINDEL: And the methamphetamine that  
25 you got, did you buy it from individuals on the

1 street, or did you have a supplier that gave it to  
2 you on a regular basis? I'm not asking for names.

3 MR. ZINK: I got it from a supplier on a  
4 regular basis.

5 MR. SINDEL: It was revolved in some way to  
6 give you the use of those drugs?

7 MR. ZINK: Yes.

8 MR. SINDEL: When you said to yourself,  
9 I've had it, it's enough, there isn't -- there is no  
10 floor anymore?

11 MR. ZINK: Yeah.

12 MR. SINDEL: How did you feel about that  
13 person who had been supplying your drugs for six  
14 years?

15 MR. ZINK: I took responsibility myself, so  
16 I didn't blame them.

17 MR. SINDEL: Were you ever involved -- this  
18 person obviously was a criminal; right? He was  
19 selling you drugs.

20 MR. ZINK: Um-hum.

21 MR. SINDEL: As far as you knew, he was  
22 selling drugs to other people?

23 MR. ZINK: Um-hum.

24 MR. SINDEL: That's how he made a living or  
25 whatever?

1 MR. ZINK: Yes.

2 MR. SINDEL: Did you yourself ever consider  
3 selling drugs because of your habit and because of  
4 your need to supply yourself?

5 MR. ZINK: No.

6 MR. SINDEL: Good. Good. I think that's a  
7 major step in getting through the process you had to  
8 go through. If -- there will be testimony, not a  
9 lot, but there will be some testimony about  
10 methamphetamine. I believe they call it shards?

11 MR. ZINK: Um-hum.

12 MR. SINDEL: You've heard that expression?

13 MR. ZINK: Um-hum.

14 MR. SINDEL: When you decided to go into  
15 treatment --

16 MR. ZINK: Um-hum.

17 MR. SINDEL: -- why, what was the  
18 motivating factor in your life that you said, "I  
19 can't do this anymore"?

20 MR. ZINK: I couldn't get past the  
21 three-month mark of getting clean, so I went in to  
22 learn a way to do it long-term.

23 MR. SINDEL: And that's part of inpatient,  
24 is about learning how to do it?

25 MR. ZINK: Um-hum.

1 MR. SINDEL: One more question. I'm asking  
2 really personal stuff. I apologize.

3 MR. ZINK: That's all right.

4 MR. SINDEL: Because that's part of the  
5 recovery?

6 MR. ZINK: Yes.

7 MR. SINDEL: I understand. And is it a  
8 fight every day?

9 MR. ZINK: No, it's not.

10 MR. SINDEL: That's great.

11 MR. ZINK: Yeah, I have given the glory to  
12 God.

13 MR. SINDEL: You've learned a lot of that  
14 yourself?

15 MR. ZINK: Um-hum.

16 MR. SINDEL: And there may be things that  
17 happen in this trial that resonate and recover  
18 certain memories that are deep and dark and purple in  
19 your life. If that happens, would you be able to  
20 say, "Look, that was my life then; I can function as  
21 a juror now"?

22 MR. ZINK: Yeah. I talked to my therapist  
23 about it on Thursday before I came, and he thought it  
24 was a good idea that I do participate.

25 MR. SINDEL: And the final one is: Did you

1 find that within the community that you often had  
2 traveled in that you couldn't trust people?

3 MR. ZINK: Yeah.

4 MR. SINDEL: And that they would lie to  
5 you?

6 MR. ZINK: Yeah.

7 MR. SINDEL: And try to manipulate you?

8 MR. ZINK: Sure.

9 MR. SINDEL: And take advantage of you?

10 MR. ZINK: Um-hum.

11 MR. SINDEL: Did you ever feel that you did  
12 that to people that you depended on?

13 MR. ZINK: Occasionally, yes, I think I did  
14 maybe take advantage.

15 MR. SINDEL: It's a powerful deterrent to  
16 leading a good life, isn't it?

17 MR. ZINK: Yeah.

18 MR. SINDEL: I'm so glad for you.

19 MR. ZINK: Thank you.

20 MR. SINDEL: I'm proud of you.

21 MR. ZINK: Thank you.

22 THE COURT: Anybody else? Defendants?

23 Anybody else. All right.

24 Hang in there, guys. Good luck.

25 MR. SINDEL: Great job.

1 THE COURT: Remind me of your name.

2 MR. SWANTNER: Swantner.

3 THE COURT: Mr. Swantner, how are you doing  
4 today? What do you need? Anything, just anything  
5 you've done in connection with drugs, illegal  
6 possession.

7 MR. SWANTNER: Pot, acid, schrooms, cocaine  
8 in high school. I sold the first three of those. A  
9 friend's wife basically became a coke head at one  
10 point, and there was a large ordeal over that  
11 divorce, what do you call it, when you go to deal  
12 with it, which never really worked out. She kept on  
13 going back to rehab. There are other friends that  
14 still do it, but I'm somewhat close. With some I  
15 have limited connection because of that sometimes.  
16 That pretty well covers most of it.

17 THE COURT: Where are you now with drugs in  
18 your life?

19 MR. SWANTNER: Oh, I haven't done anything  
20 since about the early 20s.

21 THE COURT: You're how old now?

22 MR. SWANTNER: 39.

23 THE COURT: So 20 years?

24 MR. SWANTNER: It's been a while.

25 THE COURT: In the rearview mirror I think



1 what you're telling us is, "Here's the range of my  
2 drug participation. This is how it affected my life,  
3 my friend, and that sort of thing"?

4 MR. SWANTNER: Yeah.

5 THE COURT: All right. What -- do you  
6 think you can be fair and impartial to everybody in  
7 this room?

8 MR. SWANTNER: Yeah.

9 THE COURT: Okay. Anything about your past  
10 experience that you think would be a problem if you  
11 serve as a juror?

12 MR. SWANTNER: No, sir.

13 THE COURT: Mr. Beck?

14 MR. BECK: Is there anything about your  
15 experiences in the past, either drug use or your  
16 friend's wife, that you think if you hear testimony  
17 in this case about drug use will tend to sway your  
18 opinion one way or the other either for the  
19 defendants or for the prosecution?

20 MR. SWANTNER: I guess not. I'm not real  
21 close with them, but I don't think so.

22 THE COURT: A little closer here.

23 MR. BECK: And if it does relate closely,  
24 if the judge instructs at some point in this trial  
25 that you're to take those experiences and set them

1     aside and reach a verdict as to these defendants  
2     based only on the evidence and information presented  
3     to you here in court, will you be able to follow that  
4     instruction and reach a verdict based on that?

5             MR. SWANTNER: I would assume so.

6             MR. BECK: And I'm going to press you just  
7     a little bit on that, because we need a more definite  
8     answer.

9             MR. SWANTNER: I've never done this, so I'm  
10    going through it --

11            MR. BECK: No problem. That's kind of the  
12    way we talk every day, but we need a little bit more.  
13    If the judge instructs you to reach a verdict solely  
14    on the evidence and information presented here in  
15    court, can you do that even given these past  
16    experiences?

17            MR. SWANTNER: Yes.

18            MR. BECK: Fair enough. Thank you.

19            THE COURT: Mr. Sindel.

20            MR. SINDEL: Did you feel at any time that  
21    you had become addicted to drugs of physical  
22    necessity?

23            MR. SWANTNER: I don't think so.

24            MR. SINDEL: It was just sort of you  
25    experimented a little bit?

1 MR. SWANTNER: Social pastime, sort of.

2 MR. SINDEL: With a buddy?

3 MR. SWANTNER: Correct.

4 MR. SINDEL: Passing around a little weed  
5 or whatever. So did you ever -- you said you sold a  
6 little in the past, way, way --

7 MR. SWANTNER: Yes.

8 MR. SINDEL: And assuming -- so that was --  
9 so you had a stash?

10 MR. SWANTNER: I'd buy it in large  
11 quantities and sell it around the crowd at school.

12 MR. SINDEL: You also said -- I think you  
13 were talking really early on today, way back when,  
14 about your job as a contractor?

15 MR. SWANTNER: Yeah.

16 MR. SINDEL: And I'm assuming that's  
17 something that you have put together that gives you a  
18 whole sense of stability that you didn't have when  
19 you were younger?

20 MR. SWANTNER: Yeah. Well, I also know  
21 about several jobs so I had to report all of this  
22 long ago.

23 MR. SINDEL: So you're used to basically  
24 saying, "No, this is what happened then; this is who  
25 I am now"?

1 MR. SWANTNER: Yeah.

2 MR. SINDEL: Can you tell me a little bit  
3 about your business and how you are concerned about  
4 how if you're gone from it for two months, that might  
5 lower your situation?

6 MR. SWANTNER: Well, there is a bit to it,  
7 but I've been a software engineer for 10 years with  
8 Lockheed with the Air Force, and they lost the  
9 contract. I ended up having to take on a job with  
10 General Dynamics coming in. They pushed me off to  
11 PLEXUS and then soon after that I ended up getting an  
12 offer to SAIC, who contracts with Sandia. And I  
13 understand that I can't be fired for jury duty by my  
14 employer; however, if Sandia decides we need to fill  
15 this position, we can't leave it empty for two  
16 months; well, they can do that, because they're not  
17 directly -- I'm not directly employed by them, I  
18 would assume. So basically I have to interview about  
19 four times for -- with about 30 people, which has  
20 kind of disappeared in thin air, and I might be able  
21 to interview for something else, but that's totally  
22 unknown. It's been extremely stressful since  
23 November when the contract loss was announced, and  
24 I'm more than nervous about that.

25 MR. SINDEL: Worried?

1 MR. SWANTNER: Yes.

2 MR. SINDEL: Preoccupied?

3 MR. SWANTNER: Yes.

4 MR. SINDEL: You don't go to bed at night  
5 without thinking about that?

6 MR. SWANTNER: Yeah.

7 MR. SINDEL: Fair to say?

8 MR. SWANTNER: That's what I've been  
9 thinking about since I got the notice.

10 MR. SINDEL: That's what you've been  
11 thinking about here; you've been straightforward  
12 answering all the questions. I'm not saying you're  
13 not paying attention. But it never goes away, does  
14 it?

15 MR. SWANTNER: No. The paying attention  
16 thing -- well, I don't know if it really relates  
17 exactly, but kind of a note of when you started  
18 reading off witness names on the first part, I just  
19 kind of stopped listening, because no one ever said  
20 anything beforehand about, do you know anybody that  
21 was mentioned beforehand. So I zoned it out, because  
22 it was just a long list of names.

23 MR. SINDEL: Do you have some concern as to  
24 whether --

25 MR. SWANTNER: I don't think I would have

1 known any of them, but...

2 MR. SINDEL: Do you have some concern that  
3 if you had to be in trial for two months, that your  
4 employment situation, your future employment  
5 situation, would weigh pretty heavy on your mind?

6 MR. SWANTNER: Yeah.

7 MR. SINDEL: Would it make it hard to  
8 concentrate?

9 MR. SWANTNER: Yeah.

10 MR. SINDEL: If that was behind you, I  
11 assume you wouldn't have any problems being a good  
12 juror on a case like this?

13 MR. SWANTNER: No. If this had happened a  
14 year ago or a year in the future, I would have no  
15 issue. But I would probably try to keep in contact  
16 with it as much as possible, just to see what I can  
17 do.

18 MR. SINDEL: And while there is a lunch  
19 break and an afternoon break and morning break, the  
20 judge usually goes from 8:30 to 5:30. Would it be  
21 very difficult to you to have contact with someone  
22 while testimony was going on?

23 MR. SWANTNER: Yes, it's all been off-site.  
24 I'd have to email them after hours.

25 MR. SINDEL: Let me ask you straight out,

1 in terms of being fair and impartial, do you think  
2 concern about your employment situation is going to  
3 be such that you may not be able to concentrate and  
4 it may affect your ability to be fair and impartial,  
5 despite the fact that you would like to be?

6 MR. SWANTNER: That's what I keep on going  
7 to. I would assume -- or I'd like to be, but yeah, I  
8 haven't been through this. Especially with the job  
9 complications, I'm significantly worried about it.

10 MR. SINDEL: I appreciate your honesty. I  
11 hope for you the best.

12 MR. SWANTNER: Thank you, sir.

13 THE COURT: Any other defendant have  
14 questions?

15 Thank you, Mr. Swantner.

16 MS. HARBOUR-VALDEZ: Should we reread the  
17 witness list?

18 MR. BECK: That's a concern for me, hearing  
19 his comments there.

20 THE COURT: All right.

21 MR. BECK: I should also put on the record  
22 that when we were waiting outside for the jurors to  
23 come in, I was a little late coming in, and as a  
24 juror walked by, they said, "I like your bow tie."

25 I didn't react to it in any way. I just

1 kept looking down.

2 MR. SINDEL: I like it, too.

3 THE COURT: I think it's 50/50.

4 MR. BECK: I know how you feel about it,  
5 Judge. You made that clear before.

6 I'm trying to remember who it was. I think  
7 it was number 713, Steven Johnson.

8 MR. SINDEL: I don't care. Does anybody  
9 care?

10 THE COURT: Well, I think I need to ask the  
11 jury how many are going to hold that bow tie against  
12 Mr. Beck.

13 MR. BECK: We'll take a poll. Just don't  
14 tell them which side you're on.

15 MR. SINDEL: We will.

16 THE COURT: Let me come back to the  
17 witnesses a little bit later. Let me work through  
18 this. Let me make sure we get some of these issues  
19 out.

20 (The following proceedings were held in  
21 open court.)

22 THE COURT: All right. Let me ask the  
23 question again, before we move on. Have any of you  
24 had any experience involving yourself, any member of  
25 your family, or any close friend that relates to the



1 use or possession of illegal drugs or narcotics that  
2 we haven't already talked about?

3 All right. I'm going to ask a very broad  
4 question, just to see if there is something there  
5 that I need to know about that might make it  
6 difficult for you to serve as a juror here. If you  
7 are selected to sit on this case, will you be able to  
8 render a verdict solely on two things? One is on the  
9 evidence that's going to be presented in this trial;  
10 and then secondly, in the context of the law as I  
11 will give it to you in my instructions.

12 So that's the first portion. And what I'm  
13 really trying to get at is: We all come to court  
14 with certain ideas and notions or beliefs about the  
15 law and what the law should be that we have  
16 encountered and we've reached in our lives. That's  
17 all good. We're Americans, and we get to come in  
18 with certain viewpoints about the law and how things  
19 should be done.

20 But in a court of law, in what we're about  
21 to do here, is there anyone that can't reach the  
22 verdict solely on the basis of the evidence that's  
23 going to be presented in this courtroom, and then the  
24 instructions on the law that I'm going to give to  
25 you? Is there anybody that can't do that or will not

1 be able to do that for some reason?

2 Let me ask another question. Somebody has  
3 their hand up. Yes, Ms. Dwore.

4 MS. DWORE: I have a question, Your Honor.  
5 I think that I could, but for this question. Were  
6 any of the alleged crimes committed in a privatized  
7 prison facility?

8 THE COURT: You know, I don't know if I  
9 have the answer to it, and I'm not sure you'll hear  
10 any evidence on that issue. Now, if you happen to  
11 know, when they're talking about the facilities,  
12 whether they're privatized or not -- you know, I  
13 think they're going to tell you what the facilities  
14 are. But tell me what problem that may create for  
15 you.

16 MS. DWORE: Well, I think it's difficult  
17 enough to be introduced to the criminal justice  
18 system in a facility that's conventionally operated  
19 by the government. But in privatized facilities,  
20 which are run by corporations, you know, I think it's  
21 an entirely different matter, and it might be hard  
22 for me to hear testimony presented by prison  
23 officials who are corporate employees and not  
24 government employees.

25 THE COURT: All right. We're going to go

1 back through the witness list here in a minute, and  
2 maybe I can ask both sides, when they go back through  
3 the witness list, if you know anybody that's a  
4 corporate attorney -- not a corporate attorney, but a  
5 corporate official rather than a state person.

6 But I'm not sure I know the answer to that  
7 question. Let me ask you. You said it might be  
8 difficult to listen to it. Do you think you could be  
9 fair and impartial to the parties here if it turns  
10 out that there's a name or two or a facility that's  
11 mentioned in the trial?

12 MS. DWORE: I apologize for not making  
13 myself clear. I don't think it would be difficult to  
14 listen to, but I think it might be difficult for me  
15 to be fair.

16 THE COURT: Okay.

17 MS. DWORE: Because it would be difficult  
18 for me to believe that a corporate profit motive  
19 isn't in some way involved in the interactions among  
20 the officers of the facility and the prisoners.

21 THE COURT: If the words "private facility"  
22 never come up in this trial and you don't know -- if  
23 you don't have the list of facilities memorized,  
24 whether they're private or not, is that going to  
25 impact you in this trial? Because I will bet you

1 that that word is not going to be mentioned in this  
2 trial over the next eight weeks?

3 MS. DWORE: It's fine if it's not  
4 mentioned, as long as the facilities are not  
5 privatized.

6 THE COURT: And do you know which ones in  
7 New Mexico are or are not?

8 MS. DWORE: No, Your Honor, I do not, which  
9 is why I asked, frankly.

10 THE COURT: So if nobody mentions whether  
11 they are or aren't, you're going to be okay?

12 MS. DWORE: I think so.

13 THE COURT: Because you're not going to --

14 MS. DWORE: No. I'm not going to know.

15 THE COURT: Anyone else have anything like  
16 that that might keep them from rendering a verdict  
17 based solely on the evidence and the instructions as  
18 I will give them to you?

19 Let me ask another question, and we've  
20 talked about some of this. Some of these questions  
21 are overlapping, but I want to make sure we're all  
22 comfortable here. Is there any member of the panel  
23 who has any special disability or problem that would  
24 make serving as a member of this jury difficult or  
25 impossible that we haven't already talked about, that

1 I have not asked you the right question and not given  
2 you the opportunity to tell me?

3 All right. I'm going to ask some questions  
4 of you. Some of you have talked a fair amount, some  
5 of you have talked a little bit. But I'm going to  
6 ask you some questions so we get everybody talking  
7 before I turn you over to the lawyers. And we're  
8 going to come back to these witnesses before I'm  
9 done.

10 Ms. Dwore, you're down from Santa Fe.  
11 Thank you very much. What brought you from Florida  
12 to New Mexico?

13 MS. DWORE: Like a lot of people, I came  
14 here on vacation and fell under the spell.

15 THE COURT: What did you do before you  
16 retired?

17 MS. DWORE: I was a commercial interior  
18 designer.

19 THE COURT: Did you have your own company  
20 or were you employed by somebody?

21 MS. DWORE: No, I was employed by an  
22 architectural and interiors firm.

23 THE COURT: Your spouse does some  
24 architecture work for detention facilities; correct?

25 MS. DWORE: Primarily courts, Your Honor,

1 but occasionally prison.

2 THE COURT: So he does the courts and  
3 jails? That's the two sorts of things that he works?

4 MS. DWORE: Probably 98 percent courts.

5 THE COURT: And your spouse's employer?

6 MS. DWORE: He's self-employed as a courts  
7 consultant.

8 THE COURT: Now, I'm going to have to  
9 figure out my writing. I'm going to ask you a couple  
10 of questions off your questionnaire. One is talking  
11 about your spouse. You put the words, "The behaviors  
12 of the people in the orange suits and the people in  
13 the green suits are similar."

14 What did you mean by that?

15 MS. DWORE: Actually, that was a snippet of  
16 a conversation at a cocktail party one night. And my  
17 husband was speaking with a newly arrived neighbor  
18 who was a corrections officer for the State of  
19 California, and when the subject of what they each  
20 did came up, the corrections officer said, "Well,  
21 what do you think of what you saw inside the  
22 prisons?"

23 And my husband said, "Well, it was many,  
24 many years ago, but I didn't see a lot of behaviors,"  
25 which I took to mean, knowing him, that he found the

1 behaviors to be tribal, and that within that very  
2 closed culture there was the green tribe and the  
3 orange tribe, and they had developed their sides and  
4 their behaviors, but they were not terribly  
5 differentiated, in his view.

6 THE COURT: Okay. Green suits, you mean by  
7 that the correction officers?

8 MS. DWORE: Corrections.

9 THE COURT: On another question you were  
10 asked, "Do you think your feelings involving people  
11 who sell drugs might influence you in this case?"

12 And you said, "Yes."

13 I guess the question I have is: Would they  
14 affect you in a way so that you could not be fair and  
15 impartial to the parties in this case?

16 MS. DWORE: To elaborate on that, I think,  
17 in fairness, I have to say that many of the people  
18 involved in the drug problem that we experience as a  
19 culture wear long white coats. And in writing the  
20 prescriptions that they write, they sort of begin the  
21 cycle which is then exacerbated by the larger  
22 culture. So I don't think we have anybody in this  
23 room wearing a long white coat with a prescription  
24 pad, but I do think that it's a very complicated  
25 problem. It begins often in the doctors' offices,

1 and just extends from there.

2 So I think that the problem of organized  
3 drug smuggling and the drug sales is a huge problem.  
4 It's difficult for me, I think, to be fair about  
5 that, but I'll try.

6 THE COURT: Now, we don't have anybody here  
7 that's in the pharmaceutical business, corporate  
8 pharmaceutical business or people, doctors or  
9 anything like that. But you kind of have a sense of  
10 probably the drugs we're going to talk about here.  
11 Do you think you can be fair and impartial to the  
12 people in this room?

13 MS. DWORE: I'll do my best.

14 THE COURT: I know out-of-town jury service  
15 is difficult. You're a little bit further from  
16 Albuquerque than I am. Do you think you'd be able to  
17 do it, if you were asked to serve?

18 MS. DWORE: Well, I got here largely  
19 because my husband drove, but -- and I've been a  
20 little bit protective of my eyes, as I indicated in  
21 my questionnaire. Yes, it would be inconvenient, but  
22 it's doable.

23 THE COURT: How are your eyes doing?

24 MS. DWORE: They're much improved, thank  
25 you.



1 THE COURT: Are you driving yourself at any  
2 point right now?

3 MS. DWORE: No. I was cleared to drive by  
4 my doctor, but I chose not to drive here because of  
5 the strain of a long trip. I probably could around  
6 town if it was not possible for my husband.

7 THE COURT: You asked about medicating your  
8 eyes. You know that that's okay. It's not going to  
9 be a problem at all. Are you still doing that?

10 MS. DWORE: I did. If nobody noticed it,  
11 it's not a problem.

12 THE COURT: If anybody noticed, they're  
13 going to tell you it's fine.

14 MS. DWORAK: Thank you.

15 THE COURT: You think medically, though,  
16 you're okay to serve?

17 MS. DWORE: I am, Your Honor, yes.

18 THE COURT: Thank you, Mrs. Dwore, I  
19 appreciate it.

20 Mr. Milne, where did you work with the U.S.  
21 Forest Service?

22 MR. MILNE: I worked in Cloudcroft on the  
23 Lincoln National Forest as assistant bargaining  
24 officer for 31 years.

25 THE COURT: Boy, it's tough working in

1 Cloudcroft, isn't it? That's just hardship duty.

2 What did your spouse do before retirement?

3 MR. MILNE: She worked at the hospital in  
4 Alamogordo.

5 THE COURT: What's the name of that  
6 employer?

7 MR. MILNE: Gerald Champion Hospital.

8 THE COURT: And years of high school. How  
9 many did you have?

10 MR. MILNE: What's that, sir?

11 THE COURT: How many years of high school  
12 did you have?

13 MR. MILNE: I graduated from high school,  
14 then went to the military.

15 THE COURT: I'm going to talk to you a  
16 little bit about a question that I'm going to talk to  
17 a lot of jurors about, but we'll start with you.  
18 There was a question on the questionnaire about:  
19 would you be more likely to believe law enforcement.  
20 Do you remember that question?

21 MR. MILNE: Yes.

22 THE COURT: And you answered it yes. For  
23 this trial -- and let's talk about this situation --  
24 when a law enforcement person hits the stand over  
25 here, are you going to believe that law enforcement

1 officer just because he's law enforcement or he or  
2 she is a law enforcement officer, automatically?

3 MR. MILNE: Every situation is different.  
4 I have to really listen to it. One reason why I  
5 answered that is because I live in a small  
6 subdivision, and I have a lot of law enforcement that  
7 live there. Neighbors, state cops, they're local  
8 police, they're ICE. You name it, they're there.

9 THE COURT: So you know some law  
10 enforcement?

11 MR. MILNE: I know one that works here.

12 THE COURT: We're going to go back through  
13 the list in a little bit. But you don't know those  
14 people; right?

15 MR. MILNE: I know --

16 THE COURT: You don't know the law  
17 enforcement that's going to come to this trial;  
18 right? And so can you take them just like you would  
19 any other witness? You'll look at them, you'll  
20 listen to them, you'll watch them, and determine  
21 their credibility one by one?

22 MR. MILNE: Depending on what they say and  
23 the evidence.

24 THE COURT: So you're not just going to  
25 believe them because they're law enforcement?

1 MR. MILNE: No, sir.

2 THE COURT: Let me ask you another  
3 question. This is a question about the presumption  
4 of innocence that I'm going to be asking a lot of  
5 people about. And the question was: Do you think if  
6 a person is brought to trial, there must be some  
7 truth to the charges? You know in our Constitution  
8 that everybody is presumed innocent; right?

9 MR. MILNE: Yes, sir.

10 THE COURT: And these men that have been  
11 charged by the Government, they're presumed innocent;  
12 right?

13 MR. MILNE: Yes, sir.

14 THE COURT: Can you assure me that you  
15 won't worry about how they got here, that you'll just  
16 listen to the evidence that's going to be presented  
17 in here, and that you'll presume them innocent  
18 throughout the trial and then until you make some  
19 decision in the jury room?

20 MR. MILNE: Exactly.

21 THE COURT: You can do that?

22 MR. MILNE: Yes, sir.

23 THE COURT: All right. There is going to  
24 be another area that I'm going to talk to you first  
25 about, but it will be other people as well. There is

1 going to be some evidence here that you indicated  
2 that you might have a hard time looking at in this  
3 trial.

4 MR. MILNE: Yes, not just -- to look at it  
5 doesn't really bother me much. I've got a stomach  
6 issue. I'm taking medication. I get real nauseated,  
7 and it doesn't take much to trigger it. Some days  
8 I'm good, some days -- I just never know.

9 THE COURT: Well, let's talk about this,  
10 because as you probably know, I'm going to have to  
11 ask every juror to look at the evidence, because  
12 you're going to have to consider all the evidence.  
13 At the end of the trial I'll have to tell you to  
14 consider it all. You don't have to believe it all,  
15 but you do have to consider it. Can you give me your  
16 word that you can -- you'll look at the evidence?

17 MR. MILNE: Yes, sir.

18 THE COURT: All right. And you can --  
19 after looking at it, you can be fair and impartial to  
20 the parties, you're not going to let your emotions or  
21 anything affect you; you'll just be level-headed  
22 about it?

23 MR. MILNE: Yes, sir.

24 THE COURT: Okay. Healthwise, do you think  
25 you're okay to serve?

1 MR. MILNE: Well, like I said, it's every  
2 day when I wake up. Anxiety gets agoing or whatever.  
3 I mean, like now, I'm kind of -- I didn't eat much  
4 today, because I was afraid I would get nausea. But  
5 some days I'm good. I just never know.

6 THE COURT: For right now --

7 MR. MILNE: Yes.

8 THE COURT: -- if you were selected, you  
9 think you could get started and see how it goes?

10 MR. MILNE: Yes.

11 THE COURT: Thank you, Mr. Milne. I  
12 appreciate it.

13 Ms. Chavez, what's your occupation?

14 MS. CHAVEZ: I'm at home right now.

15 THE COURT: All right. Have you been  
16 employed outside of the home in the past?

17 MS. CHAVEZ: Yes.

18 THE COURT: And what have your employers  
19 been? What have you done?

20 MS. CHAVEZ: Fifteen years in health care  
21 as a registered respiratory therapist. And then I  
22 went back and got my master's degree, and so I went  
23 into grants contract and program development.

24 THE COURT: Okay. And your spouse before  
25 retirement?

1 MS. CHAVEZ: I'm sorry?

2 THE COURT: What did your spouse do before  
3 retirement?

4 MS. CHAVEZ: He was 34 years in law  
5 enforcement, and then he went back into law  
6 enforcement.

7 THE COURT: All right. And his employer?

8 MS. CHAVEZ: State of New Mexico.

9 THE COURT: Again, you said yes on "more  
10 likely to believe police officers." Would you  
11 believe a police officer just automatically because  
12 he or she is law enforcement?

13 MS. CHAVEZ: No.

14 THE COURT: You would look at the situation  
15 and determine credibility of that law enforcement  
16 just as you would any other witness?

17 MS. CHAVEZ: Um-hum.

18 THE COURT: All right. Same thing about  
19 the presumption of innocence. Could you give me your  
20 assurance that you wouldn't worry about how this case  
21 got here? You'd just listen to the evidence and  
22 presume them innocent throughout the trial until you  
23 got back to that jury room and had to make a  
24 decision?

25 MS. CHAVEZ: I believe so, but I think I

1     probably need to disclose that my husband currently,  
2     for the last five years, is task forced with several  
3     gang units, and so he is familiar with this case  
4     intimately. So I just thought I would disclose that.

5             THE COURT: All right. Have you talked to  
6     him about this case?

7             MS. CHAVEZ: He talks to me about it, but I  
8     tend to tell him, "Leave it at the door," and I  
9     ignore a lot of it. But he has talked about parts of  
10    this case because there are people that he has dealt  
11    with down here.

12            THE COURT: Okay. All right. Well, before  
13    we get done, I'll bring you up here because I don't  
14    want everyone to hear what your husband is saying  
15    about the case. We'll do that.

16            But as far as the presumption of innocence,  
17    can you presume them innocent throughout the trial  
18    and not worry about how this case got here and  
19    anything like that?

20            MS. CHAVEZ: Yes.

21            THE COURT: All right. And let's talk  
22    about, then, the pictures or the evidence here. You  
23    said you might have a hard time looking at it. Can  
24    you also give me an assurance that you would look at  
25    the evidence and consider it?



1 MS. CHAVEZ: Yes.

2 THE COURT: All right. Thank you,  
3 Ms. Chavez.

4 All right. Ms. Menapace-Corral, over from  
5 Gallup. Thank you. What's your employer?

6 MS. MENAPACE-CORRAL: I am an HR  
7 representative for my family car dealership.

8 THE COURT: And that employer is -- I  
9 couldn't quite read the writing. Is it Rico?

10 MS. MENAPACE-CORRAL: Rico Auto Complex.

11 THE COURT: And what was your -- where were  
12 you born?

13 MS. MENAPACE-CORRAL: I was born and raised  
14 in Gallup.

15 THE COURT: What was your major field of  
16 study in college?

17 MS. MENAPACE-CORRAL: Business management.

18 THE COURT: You listed two dates of  
19 unavailability, the 9th and the 23rd of this month.  
20 And I bet that's because of payrolls; correct?

21 MS. MENAPACE-CORRAL: That's right.

22 THE COURT: If you were selected to serve  
23 on this, is somebody going to be able to cover those  
24 payrolls for you?

25 MS. MENAPACE-CORRAL: They're going to have

1 to, like today, yes.

2 THE COURT: So if you were selected, you're  
3 able to serve?

4 MS. MENAPACE-CORRAL: Yes.

5 THE COURT: And on this "likely to believe  
6 police officers," you said, "Not sure." Is what you  
7 were telling me is, you're going to take these law  
8 enforcement people one at a time, you'll have to look  
9 at them, listen to them, and determine credibility  
10 like anybody else?

11 MS. MENAPACE-CORRAL: Correct.

12 THE COURT: You put down ASPC. What is  
13 that?

14 MS. MENAPACE-CORRAL: Arizona State  
15 Penitentiary.

16 THE COURT: And what is your connection or  
17 knowledge about ASPC?

18 MS. MENAPACE-CORRAL: I visit my best  
19 friend of 30 years, who is there for a few years.

20 THE COURT: This evidence -- you said it  
21 might be hard for you to look at. Could you give me  
22 your assurance you'll look at it, consider it?

23 MS. MENAPACE-CORRAL: Yes.

24 THE COURT: I know that jury duty can  
25 impose a burden on an employer and a burden on you,

1 but if you were selected to serve, could you do it?

2 MS. MENAPACE-CORRAL: Yes, sir.

3 THE COURT: All right, Ms. Menapace-Corral,  
4 thank you very much.

5 Mr. Lopez, you're down here from  
6 Albuquerque, like me. Thank you. What did you do  
7 before you retired?

8 MR. LOPEZ: I was an engineer with the  
9 Department of Energy.

10 THE COURT: And your spouse was a teacher  
11 before retiring?

12 MR. LOPEZ: That is correct.

13 THE COURT: Where was your spouse teaching?

14 MR. LOPEZ: APS.

15 THE COURT: Which particular school?

16 MR. LOPEZ: The last school that she was at  
17 was Sierra Vista Elementary.

18 THE COURT: What grade did she teach?

19 MR. LOPEZ: Actually, she was a reading  
20 specialist.

21 THE COURT: All right. For a number of  
22 grades or --

23 MR. LOPEZ: Yes, primarily, you know, when  
24 kid begin to read, she was the person that taught  
25 them how to read.

1 THE COURT: My wife is a retired elementary  
2 schoolteacher, as well. She was a music teacher,  
3 Sunset Mesa, if you know where that is, up in the  
4 Northeast Heights.

5 Let's talk about this question about police  
6 officers again. And you had, I think, checked "yes"  
7 on that, as well. Again, would you automatically  
8 believe a law enforcement person or would you be able  
9 to look at them one at a time and make a  
10 determination about their credibility?

11 MR. LOPEZ: I'd have to look at them to see  
12 how credible they are, given the situation, like any  
13 other witness.

14 THE COURT: You put, "In general, it would  
15 depend upon the circumstances." So the circumstances  
16 are going to be the evidence in this case; is that  
17 correct?

18 MR. LOPEZ: That's correct.

19 THE COURT: All right. We break about  
20 every hour and a half. You can see that's kind of  
21 the routine. Healthwise, medicationwise, does that  
22 work now?

23 MR. LOPEZ: Yeah, for the most part. You  
24 know, I do -- I didn't disclose, but I have a kidney  
25 transplant, so I take diuretics and blood pressure

1 medications, a variety of other medications. So in  
2 general, I do pretty well. But the only thing I do  
3 have a problem with, once in a while, in the morning  
4 I take a diuretic.

5 THE COURT: Well, if you can wave and let's  
6 take a break, we'll be okay.

7 MR. LOPEZ: I pushed my way through Javier  
8 this afternoon to get to the bathroom. He tried to  
9 stop me, but it didn't work.

10 THE COURT: All right. But if you can  
11 signal and us take a break, you're okay?

12 MR. LOPEZ: I think so.

13 THE COURT: Thank you, Mr. Lopez. I  
14 appreciate it.

15 Mr. Troy, you're down from Albuquerque, as  
16 well. You were born in Hobbs, I noticed, and you  
17 probably picked up --

18 MR. TROY: I don't tell everybody.

19 THE COURT: Well, you probably figured out  
20 I'm from Hobbs or somewhere close to that. Did you  
21 grow up there?

22 MR. TROY: I did.

23 THE COURT: You and I are about the same  
24 age, I think. You look a lot better than me. But  
25 what -- did you graduate about '77 -- I mean '73?

1 MR. TROY: '73.

2 THE COURT: All right. Did you ever run  
3 into me, I into you?

4 MR. TROY: I think so.

5 THE COURT: Did you play ball?

6 MR. TROY: You played football, I think,  
7 didn't you?

8 THE COURT: Yeah, I did. I was on the last  
9 state championship that Hobbs had, and it was all my  
10 doing. No. I was up in the stands. We beat  
11 Mayfield. I'll tell that to Las Cruces.

12 Did your spouse ever work outside of the  
13 home?

14 MR. TROY: Yes, she did.

15 THE COURT: And what did she do, or what  
16 did your spouse do, an employer?

17 MR. TROY: She's, in her past, more  
18 medical. She worked for an otolaryngologist and an  
19 optometrist. Anything with an O sometimes.

20 THE COURT: Dates of unavailability, you've  
21 got April 23, 27, 30, through May 4, May 14 through  
22 the 18th. What's going on on those particular dates?

23 MR. TROY: Financial advisor with all the  
24 regulation with the Department of Labor, you're  
25 required to meet with clients once a year to do

1 reviews for their IRAs, things like that. So I  
2 manage a team with about \$400 million in assets, so  
3 those are private clients that we go see, sometimes  
4 annual, sometimes biannual, sometimes on a quarterly  
5 basis.

6 THE COURT: I surmised that was what it is.  
7 Is there anything fixed about those? Could you go  
8 another time if you had to?

9 MR. TROY: I do have a partner, that we can  
10 discuss that.

11 THE COURT: On the police officers, or law  
12 enforcement officers, same question. Do you -- you  
13 checked the "yes" there. Are you going to  
14 automatically believe them because they're law  
15 enforcement, or can you look at them one at a time  
16 and determine whether they're being credible here in  
17 this courtroom?

18 MR. TROY: I think most of us lean to  
19 believe one. I have an uncle who was a Dallas police  
20 officer. His son-in-law is a lieutenant with the New  
21 Mexico State Police. Met him. The chief -- the New  
22 Mexico State Police chief -- his daughter does my  
23 daughter's hair; and kids, things like that. So they  
24 just kind of -- raised that way, you know.

25 THE COURT: What about here? Can you take

1 these officers --

2 MR. TROY: I didn't recognize any of the  
3 names.

4 THE COURT: And so you'd make a  
5 determination based upon what you see and hear in  
6 this courtroom, rather than just assuming they're  
7 credible just because they take the stand?

8 MR. TROY: I think they can lie, too, I  
9 guess.

10 THE COURT: Presumption of innocence. Can  
11 you presume all these gentlemen here to be innocent  
12 until you go back to the jury room to deliberate?

13 MR. TROY: I learned that last year. Even  
14 if they don't testify, they're still presumed  
15 innocent.

16 THE COURT: And you're not going to hold it  
17 against them if they decide not to testify, and  
18 you're not going to infer anything from that?

19 MR. TROY: Correct.

20 THE COURT: There was a question about,  
21 should it be easier to convict people because they're  
22 in prison, something like that. You're not going to  
23 make any burden of the Government here any easier;  
24 you're going to require them to prove anything  
25 against any person beyond a reasonable doubt; is that



1 fair?

2 MR. TROY: Fair.

3 THE COURT: You talked about your feelings  
4 about drugs. We've talked a little bit about drugs  
5 this afternoon. Do you think there is anything about  
6 your feelings about drugs that's going to interfere  
7 with your ability to be fair and impartial in this  
8 case?

9 MR. TROY: No. I believe in drugs.

10 THE COURT: You believe in it; right?

11 MR. TROY: Prescription drugs.

12 THE COURT: Jury service can be hard on a  
13 business. If you were selected, do you think you'd  
14 be okay to serve the next eight weeks?

15 MR. TROY: I don't have much choice.

16 THE COURT: Okay. Photographs. Give me  
17 your word that you'll look at them and consider them?

18 MR. TROY: Sure.

19 THE COURT: And if we're able to break,  
20 like we've been doing, every hour and a half, get a  
21 little coffee, or something like that, do you think  
22 you'd be okay healthwise and everything?

23 MR. TROY: Pretty good.

24 THE COURT: Thank you, Mr. Troy.

25 Ms. Riley, you're down from Edgewood.

1 Thank you very much. What's your place of birth?

2 MS. RILEY: Glendora, California.

3 THE COURT: And what does your spouse do?

4 MS. RILEY: My spouse is not working right  
5 now. He suffered a back injury.

6 THE COURT: What kind of work has your  
7 spouse done in the past?

8 MS. RILEY: He was an electrician.

9 THE COURT: And did he have a particular  
10 employer?

11 MS. RILEY: He worked for EMI, did a lot of  
12 work on the bases and stuff, Clovis, Kirtland, all  
13 over the place.

14 THE COURT: And your major field of study  
15 in college was what?

16 MS. RILEY: Business administration.

17 THE COURT: All right. And in answer to  
18 what fraternal, civic, labor organizations, you put  
19 USCW?

20 MS. RILEY: That's just our union. I work  
21 for Smith's now, and that's our union.

22 THE COURT: Now, regardless of where a  
23 crime is committed or alleged to be committed, would  
24 you agree with me the burden shouldn't be any easier  
25 on the Government, the Government's burden is to

1 prove things beyond a reasonable doubt; doesn't  
2 matter where it takes place? Do you agree with that?

3 MS. RILEY: Yes.

4 THE COURT: You'll require the Government  
5 to that, if that's what they're trying to do here; is  
6 that right?

7 MS. RILEY: (Nods.)

8 THE COURT: You've had some losses recently  
9 in your family. You put them down?

10 MS. RILEY: Yes.

11 THE COURT: Are you okay to serve if you're  
12 selected?

13 MS. RILEY: I will, sir.

14 THE COURT: How has your hearing been doing  
15 here? Are you doing okay with hearing and  
16 everything?

17 MS. RILEY: Yes, sir.

18 THE COURT: You had asked some questions  
19 about your husband. You know your husband can come  
20 to Las Cruces. My wife has come with me. She may  
21 not stay down here eight weeks, but she may come down  
22 here. So that's okay. But you're okay with that?  
23 You've got that cleared away and somebody has  
24 explained that to you?

25 MS. RILEY: Yes, we've got it all worked

1 out.

2 THE COURT: Thank you, Ms. Riley.

3 Mr. Montoya, I notice you're down from  
4 Bernalillo. I thank you very much. What do you do?  
5 You've got some free advertising here, so you better  
6 use it.

7 MR. MONTOYA: I'm self-employed. Also I'm  
8 a stay-at-home dad.

9 THE COURT: What do you do that's  
10 self-employed?

11 MR. MONTOYA: My dad and I own a window  
12 blind business.

13 THE COURT: You better get some advertising  
14 here. This is a crowd here.

15 MR. MONTOYA: Yes.

16 THE COURT: How many years of vocational  
17 school do you have?

18 MR. MONTOYA: Two years.

19 THE COURT: And your partner. What does  
20 your partner do?

21 MR. MONTOYA: He's a stylist.

22 THE COURT: And does he have his own  
23 company or --

24 MR. MONTOYA: No.

25 THE COURT: Let's talk about police

1 officers, law enforcement. Are you going to believe  
2 them just because they're law enforcement?

3 MR. MONTOYA: I would give everyone a  
4 fair --

5 THE COURT: So you're going to treat them  
6 one at a time, just as any other witness?

7 MR. MONTOYA: Yes.

8 THE COURT: Let me ask you also about  
9 presumption of innocence. Can you give me an  
10 assurance you're not going to worry about how this  
11 trial got started; you're just going to presume these  
12 gentlemen over here to be innocent all the way  
13 through trial?

14 MR. MONTOYA: Yes.

15 THE COURT: You can do that? Can you give  
16 me an assurance, can you look at the pictures?

17 MR. MONTOYA: Yes.

18 THE COURT: Look at them and consider them?

19 MR. MONTOYA: Yes.

20 THE COURT: I know that training is hard  
21 and traveling is hard and those sort of things on  
22 you. If you think you were selected, do you think  
23 you could serve?

24 MR. MONTOYA: It would be very difficult  
25 right now for me, well, because, like I said, I'm

1 self-employed. It will be a financial burden. I've  
2 got my kids and recently my grandma got sick. So my  
3 mind would just be in another spot, I would think, if  
4 I had to serve.

5 THE COURT: All right. Thank you, Mr.  
6 Montoya.

7 Ms. Morales, what does your spouse do?

8 MS. MORALES: He's a utility locator.

9 THE COURT: And what is that?

10 MS. MORALES: When there is construction or  
11 a new development coming, they want to know where the  
12 electrical lines are so they don't hit them and get  
13 electrocuted. Water lines, cable lines. And he goes  
14 through and he paints the street.

15 THE COURT: And what is his employer?

16 MS. MORALES: USIC.

17 THE COURT: What is USIC?

18 MS. MORALES: I have no idea.

19 THE COURT: Would you agree with me that  
20 the burden on the Government should not be easier,  
21 depending upon where the alleged crime is alleged to  
22 have been committed? Do you agree with that  
23 statement?

24 MS. MORALES: Yes.

25 THE COURT: So you're going to require this

1 Government, if they're going to bring allegations of  
2 a crime, regardless of where it is, that they have to  
3 prove it beyond a reasonable doubt, every element?

4 MS. MORALES: Yes.

5 THE COURT: And you can agree with that?

6 Pictures. Can you give me your assurance  
7 that you'll look at them and consider them?

8 MS. MORALES: I have no problem with that.

9 THE COURT: Thank you, Ms. Morales.

10 All right, Mr. Zink. We'll go up here. I  
11 know I should know where McIntosh is. I think I ask  
12 this every time it comes up.

13 MR. ZINK: Between Moriarty and Estancia.

14 THE COURT: That's right. It's on that  
15 beautiful drive.

16 MR. ZINK: All there is is a post office  
17 there.

18 THE COURT: There it is. All right. What  
19 brought you from Arizona to New Mexico?

20 MR. ZINK: It's too hot in Arizona. The  
21 older I got, the less tolerant I was to the heat.

22 THE COURT: I was in Phoenix on Friday. It  
23 was --

24 MR. ZINK: My whole family lived out there,  
25 so...

1 THE COURT: You've been employed in the  
2 past. What have you done?

3 MR. ZINK: Call center, management,  
4 operations manager, project manager.

5 THE COURT: All right. And your  
6 employers -- what have they been?

7 MR. ZINK: The Connection, which was based  
8 out of Minnesota. They had four call centers in New  
9 Mexico.

10 THE COURT: Is New Beginnings where Richard  
11 Mansfield is the pastor?

12 MR. ZINK: No.

13 THE COURT: I thought that I knew him.

14 All right. Let's talk about law  
15 enforcement here. And you heard kind of what I'm  
16 asking on this question. Are you going to believe  
17 them just because they say they're law enforcement?

18 MR. ZINK: No, I'd have to listen to their  
19 story and take it case by case.

20 THE COURT: Treat them like any other  
21 witness?

22 MR. ZINK: Right.

23 THE COURT: How about the presumption of  
24 innocence? Can you not worry about how this case got  
25 here, but just presume these gentlemen innocent all



1 the way through the trial till you get back to  
2 deliberate?

3 MR. ZINK: Yes.

4 THE COURT: Can you look at the pictures?

5 MR. ZINK: Yes.

6 THE COURT: And consider them?

7 MR. ZINK: Um-hum.

8 THE COURT: Healthwise, medicinewise, okay  
9 to serve as a juror?

10 MR. ZINK: I believe so, yes.

11 THE COURT: Mr. Telles, you're from  
12 Anthony. Thank you very much. What do you do?

13 MR. TELLES: I'm the transmission  
14 superintendent for El Paso Electric.

15 THE COURT: What did your spouse do before  
16 retirement?

17 MR. TELLES: She was an accounts manager  
18 for Vital Signs, an anesthesia company.

19 THE COURT: You put on dates of  
20 unavailability you had in July. So you've sat here  
21 and you know we're not going to be trying this case  
22 in July, but you've got some other issues?

23 MR. TELLES: Well, after further discussion  
24 with my senior management, of course, because we're  
25 getting into our peak season, of course, the grid

1     itself, we maintain that, so we always have to be  
2     available. And at this time, it would be rather  
3     difficult for me to be out of the office for that  
4     long. But I do have supervisors in place, so if I  
5     was chosen to serve, I would definitely serve.

6             THE COURT: Your hearing? Has it been  
7     okay?

8             MR. TELLES: Actually, so far, it's been  
9     well.

10            THE COURT: They build courthouses for  
11     acoustics, so usually people who are a little bit  
12     hard of hearing, they do well in court. That's how  
13     they built this building. So you've been doing okay?  
14     The acoustics work for you?

15            MR. TELLES: Yes, Your Honor.

16            THE COURT: People talk in the microphone,  
17     you're doing okay?

18            MR. TELLES: Yes.

19            THE COURT: Let's talk about the right to  
20     remain silent. I don't know what these gentlemen are  
21     going to do, but you know that under the  
22     Constitution, they have a right to remain silent;  
23     correct?

24            MR. TELLES: That's correct.

25            THE COURT: If they don't -- you put you

1 weren't sure about it. But if I tell you that's  
2 their right and it's a very cherished right in our  
3 government, would you agree that for the purposes of  
4 this trial, that you'll honor that right and not  
5 infer anything from it if they decide not to testify;  
6 or if they don't put on any witnesses, that you won't  
7 use that against them in any way?

8 MR. TELLES: I do believe I could.

9 THE COURT: On one question -- let me just  
10 pull it up, so that we can talk about it precisely.  
11 But it relates to gang membership. Do you think that  
12 being a gang member, they deserve what they get, even  
13 if it means being a victim of a crime. And you put,  
14 "It depends on their involvement."

15 And I guess the question is: I'm not  
16 trying to tell you what to believe, but you're not  
17 saying that just because somebody is in prison, they  
18 deserve to get beat up or murdered or something?

19 MR. TELLES: No, I don't believe that at  
20 all. I guess what I was trying to say there is that  
21 if the individual committed the crime and he was  
22 proven guilty, then, of course, they deserve what  
23 they get.

24 THE COURT: Thank you, Mr. Telles. I  
25 appreciate it.

1 Ms. Reser, you're down from Albuquerque, as  
2 well. What did you do before retirement?

3 MS. RESER: I was a contract specialist  
4 with the Department of Veterans Affairs.

5 THE COURT: And what did your spouse do  
6 before retirement?

7 MS. RESER: Just before he retired, he was  
8 a fossil preparer for the petrified forest in  
9 Arizona. When I met him, he was a mailman.

10 THE COURT: I like the other job better.

11 MS. RESER: He's still doing it.

12 THE COURT: So he worked for the Park  
13 Service?

14 MS. RESER: Yes, he did.

15 THE COURT: Police officers. Are you going  
16 to believe them just because they're a police  
17 officer?

18 MS. RESER: Not necessarily.

19 THE COURT: You're going to listen?

20 MS. RESER: I'll judge as --

21 THE COURT: You'll watch them and listen to  
22 them and make a determination about credibility one  
23 by one?

24 MS. RESER: Yes.

25 THE COURT: All right. I want to ask you

1 about a question that -- just see if, when I read it  
2 to you, if your answer is going to be the same. It's  
3 a little bit of a long question. But it says, "In a  
4 trial with multiple defendants who are alleged to be  
5 members of a gang, do you believe the charges against  
6 each defendant should be judged individually?"

7 And you put "No." Is that still your  
8 answer?

9 MS. RESER: Didn't I cross that out? I  
10 thought I put -- well, to clarify, then, I think each  
11 should be judged on his own merit, either one way  
12 or -- I'm not sure.

13 THE COURT: We've tried to be real clear by  
14 putting different coloring on these tables so you can  
15 see each one of the defendants and their defense  
16 team. Can you reach a decision about these  
17 gentlemen -- and I'm going to walk you through it at  
18 the end of the trial. But as you think about it, can  
19 you reach a verdict on each one of them individually?

20 MS. RESER: I believe so.

21 THE COURT: You hesitated a little bit.

22 MS. RESER: Well, I'm trying to see the  
23 colors, and I don't see any colors, so...

24 THE COURT: Well, good point. They're  
25 black and white. Right. The Hobbs Eagles is black

1 and white. We thought those were our colors; right,  
2 Mr. Troy?

3 You can reach an individual verdict on each  
4 one of the individuals; right?

5 MS. RESER: Yes.

6 THE COURT: I know it's all new today, but  
7 you'll get used to where the men are sitting, and  
8 you'll get used to their attorneys. We're going to  
9 help you do that. But you can reach an individual  
10 verdict for each one of them; correct?

11 MS. RESER: Yes, I believe so.

12 THE COURT: Thank you, Ms. Reser.

13 Ms. Griego, from Rio Rancho. Thank you.  
14 What brought you from California to New Mexico?

15 MS. GRIEGO: Well, actually, it's  
16 originally from North Carolina. But that's a very,  
17 very long time ago.

18 My husband was born and raised in  
19 Albuquerque. And when we got out of the Air Force,  
20 we came here, and I really loved it. But he got a  
21 job in California, so we went out to California. And  
22 we were out there for many years, and got an  
23 opportunity to come back, and so we did. And I love  
24 it here. I mean, this is basically my home state.

25 THE COURT: And what do you do?

1 MS. GRIEGO: I'm an operations manager for  
2 Schenker Logistics. We do the logistics for the  
3 Intel facility at Rio Rancho.

4 THE COURT: And your spouse. What does  
5 your spouse do?

6 MS. GRIEGO: He's in management, mostly.  
7 He has been in the aircraft industry, but recently  
8 he's now in the electronics industry, but he's a  
9 manager.

10 THE COURT: All right. And did you give me  
11 the employer, his employer?

12 MS. GRIEGO: His employer is an electric  
13 company. He's only been there for a few months. He  
14 was with Eclipse Aviation, then he's moved over -- I  
15 think it's Delta something, but I keep asking him  
16 what the name of his company is.

17 THE COURT: Ask him for his paycheck?

18 MS. GRIEGO: I get the paycheck, so that's  
19 good enough.

20 THE COURT: How many years of education do  
21 you have?

22 MS. GRIEGO: I got a GED and joined the Air  
23 Force.

24 THE COURT: I know you live in Rio Rancho,  
25 and that's a long trip, and it's going to interfere

1 with work. I'm going to be making the same trip with  
2 you. Are you okay to serve if you're selected?

3 MS. GRIEGO: Yeah. I mean, it's going to  
4 be tough with work and, you know, different things,  
5 but I mean, it's tough for anybody to drive that  
6 distance. So, yes, if I'm chosen, I could serve.

7 THE COURT: You had mentioned a trip on  
8 June 6th through 12th. We're going to be done by  
9 then.

10 MS. GRIEGO: I hope so, because my sister I  
11 haven't seen in many, many years -- she's coming out  
12 from Tennessee for a week, and we have all these  
13 things planned to do, and it would be terrible to be  
14 stuck in a court case for a long time.

15 THE COURT: Your animals. Do you have  
16 somebody to take care of your animals?

17 MS. GRIEGO: I had to send one foster dog  
18 back to someone else, but I do animal rescue and  
19 foster. But my husband is good with them. As long  
20 as I can leave on Friday and go back to Albuquerque,  
21 I can still do the adoption events.

22 THE COURT: We'll get you out of here on  
23 Friday so you can be there on the weekends. Where do  
24 you do the adoptions? Sprouts?

25 MS. GRIEGO: We do them -- typically, right



1 now, we go up to Santa Fe where the kennel is, and  
2 people are coming up for introductions. Sometimes we  
3 do them down at the bosque on Alameda, the open space  
4 there. So it just depends. They can be at different  
5 areas, but we typically do adoptions every Saturday.

6 THE COURT: Thank you, Ms. Griego.

7 Mr. Doom, over from Jal. Thank you. You  
8 work in Carlsbad, though?

9 MR. DOOM: In between Jal and Carlsbad,  
10 sir.

11 THE COURT: You work out in the field?

12 MR. DOOM: Yes, sir.

13 THE COURT: One summer I was working  
14 roustabout for Texaco, so one time they put me down  
15 at Eunice. Three summers up at Buckeye and then I  
16 went to one down at Jal, so I kind of know a little  
17 bit about that area.

18 MR. DOOM: Mine is not as tough as  
19 roustabout.

20 THE COURT: Are you a pumper?

21 MR. DOOM: I'm a pipeline operator.

22 THE COURT: Yeah, your job wasn't quite as  
23 bad. I had a glorified job, you know.

24 I was going to ask you about a question  
25 that you had on your questionnaire. Let me turn to

1 it, because my notes are not real clear here. But  
2 again, the question about -- you put that the purpose  
3 of a trial is to give a person a chance to prove  
4 their side of the story. And then you talk about a  
5 trial should be impartial and those sort of things.

6 You heard me talking a little bit a minute  
7 ago about: These gentlemen don't have an obligation  
8 and, in fact, they have a right to remain silent, not  
9 put on any evidence at all. They don't have to prove  
10 anything.

11 MR. DOOM: I guess what I was trying to get  
12 out at that point is the trial gives them an  
13 opportunity for them to be able to make their case if  
14 they so choose. The Fifth Amendment guarantees that  
15 they don't need to do it if they don't want.

16 THE COURT: You know the Constitution. And  
17 you won't hold that against them in any way or infer  
18 anything from any decision they make on putting on  
19 witnesses, including themselves?

20 MR. DOOM: No, sir.

21 THE COURT: And workwise, if we can do  
22 something to help you on that score and get you a  
23 leave, do you think you'd be able to serve as a  
24 juror?

25 MR. DOOM: It would be inconvenient, but I

1 could do it.

2 THE COURT: Thank you, Mr. Doom.

3 Appreciate it.

4 Ms. Trujillo, down from Albuquerque. Thank  
5 you. What do you do?

6 MS. TRUJILLO: I'm a general manager at a  
7 pizza place.

8 THE COURT: I was going to ask, is it  
9 Sbarro's?

10 MS. TRUJILLO: Sbarro's.

11 THE COURT: And it's pizza; right?

12 MS. TRUJILLO: Yes.

13 THE COURT: Is it the best pizza in town?

14 MS. TRUJILLO: It is.

15 THE COURT: See, my daughter, when she  
16 arrives in town, she stops at Dion's before she comes  
17 to see me. So I know where I rank, right behind  
18 pizza.

19 What does your spouse do?

20 MS. TRUJILLO: I'm sorry?

21 THE COURT: What's your spouse do?

22 MS. TRUJILLO: He's a budget analyst.

23 THE COURT: And his employer?

24 MS. TRUJILLO: White Sands Missile Range.

25 THE COURT: You've been represented by an

1 attorney. What was that for?

2 MS. TRUJILLO: My DWI cases.

3 THE COURT: You put dates of  
4 unavailability, you put 4/11. What do you got on --

5 MS. TRUJILLO: Actually, what I did was,  
6 after I sealed it, I remembered that I didn't  
7 complete that part. So I put on the paper that they  
8 gave us this morning -- because I didn't consider --  
9 there is an extension that I need on my interlock  
10 contract. I need to get that done. I need to be  
11 there for my interlock on the 12th. And then the  
12 next month, and then my daughter's graduation.

13 Q. All right. All right. Let's talk a little  
14 bit about -- you had checked yes, there must be some  
15 truth to the charges; the individual people that are  
16 charged are more likely guilty. You've heard me talk  
17 a little bit about the presumption of innocence. Can  
18 you presume these gentlemen to be innocent and not  
19 get away from that presumption until you go back to  
20 the jury room?

21 MS. TRUJILLO: I can do my best.

22 THE COURT: Do you have some struggle with  
23 that?

24 MS. TRUJILLO: To a degree. I tend to --  
25 what do you call it -- imply certain things instead

1 of, This is what happened. I mean, I'm just being  
2 honest. I do have that...

3 THE COURT: We all have some tendencies we  
4 bring to court.

5 MS. TRUJILLO: Yes.

6 THE COURT: But let's talk about this one  
7 right here. Could you -- if you were selected, could  
8 you presume these men innocent and just wait for the  
9 Government to present their evidence and presume them  
10 innocent until you got back to deliberate?

11 MS. TRUJILLO: Yes.

12 THE COURT: And would you then require the  
13 Government to prove the elements that they need to  
14 prove beyond a reasonable doubt?

15 MS. TRUJILLO: Yes.

16 THE COURT: All right. There was a  
17 question that I was going to ask you about and see if  
18 your answer would be the same today. If, after  
19 hearing the evidence, you thought the defendant could  
20 be guilty but you were not convinced beyond a  
21 reasonable doubt that he is guilty, would you be able  
22 to return a verdict of not guilty? And you put no.  
23 Is that still your answer today?

24 MS. TRUJILLO: Like I said, I'll do my best  
25 to keep it to the -- whatever is brought up in the

1 trial.

2 THE COURT: So can I assume from that that  
3 you would require the Government to prove them beyond  
4 a reasonable doubt; and even if the evidence was that  
5 they could be guilty, that wouldn't be enough; the  
6 Government would have to prove beyond a reasonable  
7 doubt?

8 MS. TRUJILLO: They would have to prove.

9 THE COURT: Okay. And you also answered on  
10 another question if the charges are proved beyond a  
11 reasonable doubt, would anything prevent you from  
12 convicting any or all of the defendants? And you put  
13 yes. Is there something that would keep you from  
14 convicting the defendants if the Government proved  
15 their case beyond a reasonable doubt?

16 MS. TRUJILLO: I must have misread that.

17 THE COURT: So if the Government proved its  
18 case, you could convict them?

19 MS. TRUJILLO: Yes.

20 THE COURT: All right. The pictures. The  
21 evidence here. Give me your word that you'll look at  
22 them and consider them?

23 MS. TRUJILLO: I wrote on there I would  
24 not.

25 THE COURT: And what do you think about it

1 today?

2 MS. TRUJILLO: I would not.

3 THE COURT: You can't?

4 MS. TRUJILLO: I cannot.

5 THE COURT: You can't look at the evidence?

6 MS. TRUJILLO: No.

7 THE COURT: And so you would not be able to  
8 consider some of the evidence that the parties are  
9 going to show?

10 MR. SINDEL: It would be very difficult for  
11 me.

12 THE COURT: Okay. Let's talk about that.  
13 It may be difficult for you, and it may be difficult  
14 for some others. But do you think you would be able  
15 to look at it, even though it would be difficult for  
16 you?

17 MS. TRUJILLO: I will try my best.

18 THE COURT: Okay.

19 MS. TRUJILLO: I'm just being serious.  
20 Even when I watch movies, and even I know they're  
21 acting and they're dead or -- I can't.

22 THE COURT: Okay. Well, the problem is  
23 that when they show you this evidence, it's going to  
24 be too late to get your commitment. So the  
25 commitment has to be today, and I know you said you'd

1 do your best. But could you give me your word that  
2 you will look at it and consider it?

3 MS. TRUJILLO: Yes.

4 THE COURT: And let me ask you this. After  
5 you look at it, could you be fair and impartial to  
6 all the parties in the courtroom?

7 MS. TRUJILLO: Yes.

8 THE COURT: Let me ask you another  
9 question. I want to get it exactly right what you  
10 may have put there. It says, "There may be evidence  
11 that victims in this case may be gang members. Will  
12 the fact that a victim may be a gang member affect  
13 your ability to render a guilty verdict?"

14 And you put yes. What were you trying to  
15 say with that answer?

16 MS. TRUJILLO: I'm sorry, can you repeat  
17 the question?

18 THE COURT: The question was: Will the  
19 fact that a victim may be a gang member affect your  
20 ability to render a guilty verdict? And you put yes.  
21 What were you thinking when you answered it that way?

22 MS. TRUJILLO: I feel like I understand  
23 everybody or those who join a gang for a reason. But  
24 I believe that, on the other side, you don't know the  
25 whole story. And so a gang member, even though being



1 a victim, for me it's just difficult to say, okay,  
2 see him as a victim, because he's also a gang member.

3 THE COURT: That's getting to a little bit  
4 the question I wanted to ask you, because the next  
5 question is: "Do you think, being a gang member,  
6 they deserve what they get even if it means being a  
7 victim of a crime?" So if the allegations are that  
8 the alleged victim is a gang member, would you still  
9 be able to find that a crime had been committed?

10 MS. TRUJILLO: Yes.

11 THE COURT: Okay. So I'm asking you: Do  
12 gang members, if it's proven that they are, that they  
13 deserve protection from being assaulted or murdered  
14 or something like that, would you agree with that  
15 statement?

16 MS. TRUJILLO: Yes.

17 THE COURT: And I'm going to be telling you  
18 that being a gang member is not necessarily a crime.  
19 That's not the issue here. Would you agree with me  
20 that just because there may be evidence that somebody  
21 is a gang member, that that's not itself a crime?

22 MS. TRUJILLO: Yes.

23 THE COURT: All right. Thank you,  
24 Ms. Trujillo.

25 Mr. McKinzie, you're down from Santa Fe.

1 Thank you. What brought you from Texas to New  
2 Mexico?

3 MR. McKINZIE: Heat and traffic in Dallas.

4 THE COURT: I've got three grandchildren in  
5 Rockwell, if you know where that is.

6 MR. McKINZIE: Oh, yes.

7 THE COURT: So I've got a house over there,  
8 too, and boy, I wish those grandchildren lived back  
9 over here.

10 MR. McKINZIE: It's horrible.

11 THE COURT: They grow 90,000 people every  
12 year. That's like dropping a Rio Rancho in north  
13 Texas every year, it's growing that fast.

14 What did you do before you retired?

15 MR. McKINZIE: I was an oil field geologist  
16 working in the Gulf of Mexico.

17 THE COURT: So were you working in the  
18 Houston area, or out of Dallas?

19 MR. McKINZIE: I was out of Dallas.

20 THE COURT: What did your spouse do before  
21 retirement?

22 MR. McKINZIE: She's an interior decorator.

23 THE COURT: Did she have an employer, or  
24 does she have an employer?

25 MR. McKINZIE: No, she was self-employed.

1 THE COURT: You've been represented by an  
2 attorney in the past. What was that in connection  
3 with?

4 MR. McKINZIE: I've got to think about it.  
5 What did I write on my answer? Outside of being  
6 divorced.

7 THE COURT: Was that what it was for?

8 MR. McKINZIE: Yeah, that must have been  
9 it.

10 THE COURT: All right. You said you didn't  
11 look favorably on lots of tattoos. You may see some  
12 pictures here of tattoos, so you're likely to see  
13 some. Can you be fair and impartial to everybody  
14 that's got tattoos on?

15 MR. McKINZIE: Sure.

16 THE COURT: And I know you live in Santa  
17 Fe, and that's going to be a hardship. We do put you  
18 up in a hotel during the week. If you're asked to  
19 serve, do you think you'd be able to do it?

20 MR. McKINZIE: No problem.

21 THE COURT: Thank you, Mr. McKinzie.

22 Mr. Brugger, you're over from Deming.  
23 Thank you. What brought you from Pennsylvania to New  
24 Mexico?

25 MR. BRUGGER: I worked heavy industrial

1 construction for, like, 25 years and I've been to all  
2 50 states.

3 THE COURT: Wow.

4 MR. BRUGGER: And I just -- New Mexico is  
5 great.

6 THE COURT: We won, huh?

7 MR. BRUGGER: The land was cheap, too.

8 THE COURT: We've got a lot of it, don't  
9 we?

10 MR. BRUGGER: Yeah.

11 THE COURT: What was your employer?

12 MR. BRUGGER: I worked for several  
13 employers. I traveled to power plant shutdowns,  
14 things like that. Worked for a company out of  
15 Michigan that put conveyors in Walmart warehouses and  
16 different things. Mostly welding.

17 THE COURT: And your spouse teaches where?

18 MR. BRUGGER: Deming Public Schools.

19 THE COURT: And grade, subject?

20 MR. BRUGGER: She's special education.  
21 She's teaching sixth grade right now, but she's got  
22 her K-through-12 in special ed.

23 THE COURT: And let's see. There was one  
24 question I was going to ask you about. It says,  
25 "After hearing the evidence, you thought the

1 defendant could be guilty but you were not convinced  
2 beyond a reasonable doubt that he is guilty. Would  
3 you be able to return a verdict of not guilty?"

4 You checked no. Do you still -- is that  
5 the way you intended to answer, or --

6 MR. BRUGGER: I don't remember that  
7 question.

8 THE COURT: Okay. Let me ask it maybe in a  
9 little bit clearer way. If you thought they were  
10 guilty but you didn't think the Government had proved  
11 it beyond a reasonable doubt, could you still check  
12 that box "not guilty"?

13 MR. BRUGGER: If they couldn't prove it  
14 beyond a reasonable doubt, no, they would be not  
15 guilty.

16 THE COURT: All right. You'd check that;  
17 even if you thought they might, could be guilty, that  
18 wouldn't be enough for you; you'd require the  
19 Government to prove it beyond a reasonable doubt?

20 MR. BRUGGER: If you had any suspicion on  
21 any of the evidence, you know.

22 THE COURT: If there is a reasonable  
23 doubt --

24 MR. BRUGGER: If there is a reasonable  
25 doubt, you'd have to.

1 THE COURT: You've got to check it for the  
2 defendant; right?

3 MR. BRUGGER: Right.

4 THE COURT: Okay. Thank you, Mr. Brugger.

5 Mr. Swantner, you're down from Albuquerque.  
6 Thank you. What do you do?

7 MR. SWANTNER: For the last 10 years I was  
8 a software engineer. But two weeks ago I started as  
9 a scrum master. Two weeks before that I was supposed  
10 to start as a software dev scrum master.

11 THE COURT: What were the two recent  
12 employers? Give me the names of the two.

13 MR. SWANTNER: There's been a few in the  
14 last couple of months. Lockheed, PLEXUS, and now  
15 SAIC.

16 THE COURT: Okay. On the presumption of  
17 innocence we talk about in the questionnaire, you  
18 said "technically." I know sometimes we use those  
19 words, lay people and the public, that these are  
20 technicalities. But when we get in a court of law  
21 and these gentlemen are on trial, it's a very real  
22 thing to them. If you are selected, could you  
23 presume them innocent throughout trial until you went  
24 back to the jury room?

25 MR. SWANTNER: Yeah, I think so.

1 THE COURT: And you wouldn't make the  
2 burden any easier on the Government because of what  
3 they alleged or where they alleged the crime was  
4 committed; you'd make them prove their case beyond a  
5 reasonable doubt?

6 MR. SWANTNER: Yes.

7 THE COURT: All right. Do you think you  
8 could be fair and impartial throughout the trial?

9 MR. SWANTNER: I'd try.

10 THE COURT: Same on the right to silence.  
11 Do you think that if they didn't take the stand or  
12 put on any evidence, could you give me your assurance  
13 you wouldn't draw any adverse inference from it or  
14 hold that against them in any way?

15 MR. SWANTNER: If I had written something,  
16 it doesn't have any specific implication.

17 THE COURT: Let's look a little bit at the  
18 answer, and let's just make sure what you said. You  
19 said, "That seems like a fine line to walk."

20 And so what I was saying is: Regardless of  
21 your circumstances or what you would do if you were  
22 them, if they decide not to testify or not to put on  
23 any witnesses -- and I don't know what they're going  
24 to do -- but if they did that, would you -- could you  
25 assure them and me that you wouldn't hold it against

1       them?

2                   MR. SWANTNER:   Yes, sir.

3                   THE COURT:   And you wouldn't draw any  
4       adverse inference of any kind?

5                   MR. SWANTNER:   I guess it wouldn't be  
6       evidence otherwise.

7                   THE COURT:   Thank you, Mr. Swantner.

8                   Let's go over to Ms. Nitterauer, over from  
9       Silver City.  What did you do before retiring,  
10      Ms. Nitterauer?

11                   MS. NITTERAUER:   I am a registered nurse.

12                   THE COURT:   And that was with the  
13      Albuquerque Public Schools.  Did you have a  
14      particular school?

15                   MS. NITTERAUER:   I started at Rio Grande,  
16      and went to Sandia, back to Rio, and then Atrisco  
17      Heritage.

18                   THE COURT:   What did your spouse do before  
19      retiring?

20                   MS. NITTERAUER:   He was a nurse.

21                   THE COURT:   And his employer?

22                   MS. NITTERAUER:   It was CYFD.  El Camino,  
23      the long-term facility for juvenile offenders.

24                   THE COURT:   Did he have a particular grade  
25      or subject?



1 MS. NITTERAUER: Who's that?

2 THE COURT: Did he have a particular grade  
3 or subject?

4 MS. NITTERAUER: No, he had all the kids.  
5 He was a nurse for El Camino.

6 THE COURT: Talking about the presumption  
7 of innocence, can you put aside any sort of thoughts  
8 about why they're here and just listen to the  
9 evidence and presume them innocent throughout the  
10 trial until you get back to the jury room?

11 MS. NITTERAUER: Yes, I could.

12 THE COURT: And let's see. I thought I had  
13 this questionnaire memorized, but let me look at this  
14 number one more time. Oh. It says, "If charges are  
15 proven beyond a reasonable doubt, would anything  
16 prevent you from convicting any or all of the  
17 defendants?" You put "yes." What were you thinking  
18 of that might keep you from checking that they were  
19 guilty, if the Government had proved their case  
20 beyond a reasonable doubt?

21 MS. NITTERAUER: A concern about  
22 retribution.

23 THE COURT: Even if you have that concern,  
24 could you assure the Court and the parties that you  
25 would be fair and impartial?

1 MS. NITTERAUER: Yes.

2 THE COURT: You'd do your job?

3 MS. NITTERAUER: Yes.

4 THE COURT: Healthwise, do you think you're  
5 okay to serve?

6 MS. NITTERAUER: Yes, sir.

7 THE COURT: Thank you, Ms. Nitterauer.

8 Ms. Duncan, you're down from Sandia Park.  
9 That's on the east side of the mountains there;  
10 right?

11 MS. DUNCAN: Yes, it is.

12 THE COURT: Ms. Bevel here is an east  
13 side -- east mountain side person, too, so she has to  
14 worry about the weather. You've always got to worry  
15 about the weather?

16 MS. DUNCAN: No.

17 THE COURT: And what do you do?

18 MS. DUNCAN: I write genealogy resource  
19 books.

20 THE COURT: I hired somebody a few years  
21 ago to do some genealogy work on the east side. Did  
22 you do any work for me?

23 MS. DUNCAN: No.

24 THE COURT: I didn't recognize the name,  
25 either, but I thought it was interesting. I hired

1 someone on the east side. They had done a little bit  
2 of work for me. We had a family dispute. Somebody  
3 thought we were -- turned out I was right. Here's  
4 the interesting thing. My dad still wouldn't believe  
5 it, so we got him the DNA test for Christmas, and I  
6 was still right.

7 What does your spouse do?

8 MS. DUNCAN: He's retired Air Force,  
9 currently working for a company called Agilities.  
10 He's the senior project manager.

11 THE COURT: And your major field of study  
12 in college?

13 MS. DUNCAN: Business.

14 THE COURT: Talk about law enforcement.  
15 We're going to have law enforcement testify. Are you  
16 going to automatically believe them because they're  
17 law enforcement?

18 MS. DUNCAN: Depends on the evidence.

19 THE COURT: So you're going to look at them  
20 one by one and make credibility determinations about  
21 when they're telling you the truth?

22 MS. DUNCAN: Yes.

23 THE COURT: Presumption of innocence.  
24 You're not going to worry about how this case got  
25 here; you're going to presume these gentlemen

1 innocent all the way through the trial until you get  
2 back to the jury room?

3 MS. DUNCAN: Yes, sir.

4 THE COURT: And you're going to make the  
5 Government -- you don't believe -- let me ask this.  
6 I shouldn't ask a question that way. I want to hear  
7 your own words. But do you believe that people  
8 deserve what they get? In other words, if somebody  
9 is proven to be a gang member or they're in prison or  
10 something like that, do they deserve what they get?  
11 Or are they still entitled to the protection of the  
12 law?

13 MS. DUNCAN: They're entitled to  
14 protection.

15 THE COURT: And if they were shown to be a  
16 gang member, you would agree that they deserve  
17 protection?

18 MS. DUNCAN: Yes.

19 THE COURT: I know that you don't look  
20 forward to jury service here, but if you were  
21 selected, would you be able to serve?

22 MS. DUNCAN: Yes, sir.

23 THE COURT: Thank you, Ms. Duncan.

24 Mr. Skousen, you're down from Albuquerque,  
25 as well. Thank you. What do you do?

1 MR. SKOUSEN: I work for Sandia National  
2 Laboratories.

3 THE COURT: And what does your spouse do?

4 MR. SKOUSEN: She's a CPA, and currently  
5 she works at Gap as a salesperson.

6 THE COURT: Oh, okay. Is she with an  
7 accounting firm in Albuquerque?

8 MR. SKOUSEN: No, she's not. She elected  
9 to be a stay-at-home mom.

10 THE COURT: So she has her own business out  
11 of her house?

12 MR. SKOUSEN: No, she no longer practices  
13 as a CPA.

14 THE COURT: Police officers, law  
15 enforcement officers, are you going to automatically  
16 believe them because they're law enforcement  
17 officers?

18 MR. SKOUSEN: No, it's situational. As  
19 others said, it depends on the circumstances.

20 THE COURT: So you're going to treat them  
21 like any other witness? You'll listen to the  
22 evidence, watch them?

23 MR. SKOUSEN: Yes, sir.

24 THE COURT: See how they perform and decide  
25 whether they're credible or not?

1 MR. SKOUSEN: Yes, sir.

2 THE COURT: Tattoos. You put that that's a  
3 poor decision. You're going to see probably some  
4 pictures of some tattoos. Can you be fair and  
5 impartial about the people that may be wearing those  
6 tattoos?

7 MR. SKOUSEN: What I put is some people  
8 later in life may have made a bad decision. I know  
9 people who got tattoos when they were younger, and  
10 that was a mistake, and they wish they hadn't done  
11 that. So again, I don't have anything particular  
12 against tattoos or people who have tattoos.

13 THE COURT: So you can be fair and  
14 impartial if pictures are shown to you?

15 MR. SKOUSEN: Absolutely.

16 THE COURT: Of those people? Thank you,  
17 Mr. Skousen.

18 Ms. Wise, what brought you from Missouri to  
19 New Mexico?

20 MS. WISE: I guess you could say love.

21 THE COURT: That's a good excuse. Where do  
22 you teach?

23 MS. WISE: I'm retired.

24 THE COURT: What grade or subject did you  
25 have?

1 MS. WISE: I was a kindergarten teacher for  
2 APS.

3 THE COURT: Okay. Which school?

4 MS. WISE: I was at Manzano Mesa.

5 THE COURT: Okay. All right. What did  
6 your spouse do before your spouse was deceased,  
7 passed away?

8 MS. WISE: Worked at Sandia Casino.

9 THE COURT: Okay. Let's talk about law  
10 enforcement. Are you going to believe law  
11 enforcement just because they're a witness up here?

12 MS. WISE: No.

13 THE COURT: Okay. Tell me why that's an  
14 emotional question for you.

15 MS. WISE: That one isn't.

16 THE COURT: What are you thinking of?

17 MS. WISE: When I told you about love, I  
18 lost my love.

19 THE COURT: I know you did.

20 MS. WISE: It still bothers me.

21 THE COURT: Okay. I understand that.

22 MS. WISE: As far as police officers, I  
23 believe most of them take the oath with really good  
24 intention, and most of them are good people. I do  
25 believe that some of them are not, so...

1 THE COURT: All right. And there's --  
2 nobody is going to criticize any belief like that.  
3 But let's talk about the law enforcement that's going  
4 to come into this courtroom and testify. Could you  
5 give all the parties here in the court the assurance  
6 that just because they tell you in the first few  
7 sentences of their testimony that they're law  
8 enforcement, that you're not going to automatically  
9 believe them?

10 MS. WISE: No, I would not automatically  
11 believe them.

12 THE COURT: You're going to listen to them,  
13 watch them, and see if they're credible, just like  
14 any other witness?

15 MS. WISE: Yes, sir.

16 THE COURT: Okay. Let talk about the  
17 presumption of innocence. Can you give these  
18 gentlemen that are right in front of you an assurance  
19 and the Court an assurance that you will presume them  
20 innocent?

21 MS. WISE: I will, yes.

22 THE COURT: You're not going to worry about  
23 how this case got here; you're going to presume them  
24 innocent all the way till you get to the jury room?

25 MS. WISE: I will do my very best.



1 THE COURT: And you're not going to be  
2 sitting there thinking that they're more likely  
3 guilty or not guilty because they're sitting in front  
4 of you?

5 MS. WISE: No.

6 THE COURT: You talked a little bit about  
7 probable cause, so you must have some idea of what  
8 probable cause means and those sort of things. Can  
9 you put those out of your mind, presume them  
10 innocent?

11 MS. WISE: I'll do my very best, Your  
12 Honor.

13 THE COURT: You said you want to hear from  
14 the defendant. I don't know what these gentlemen are  
15 going to do, and I don't know whether they're going  
16 to put any evidence on, but you know that the  
17 Constitution guarantees them the right not to have to  
18 do that; right?

19 MS. WISE: Yes.

20 THE COURT: And that's a very cherished  
21 right in our Constitution. Do you agree with me?

22 MS. WISE: I do, yes.

23 THE COURT: Even though you might want to  
24 hear them, could you give me and these defendants the  
25 assurance that you will not hold it against them if

1       they decide not to testify?

2               MS. WISE: I believe I would not hold it  
3       against them.

4               THE COURT: And you won't infer anything  
5       from it if that's what occurs?

6               MS. WISE: No.

7               THE COURT: I know you lost your husband in  
8       2016, which is not that far back. Do you think  
9       you're okay to serve, Ms. Wise?

10              MS. WISE: Yes. I'm sorry I got so  
11       emotional.

12              THE COURT: Don't worry about it. But I  
13       think everybody wants to know if you think you'll be  
14       able to do this, if you're asked to serve.

15              MS. WISE: I believe I will.

16              THE COURT: You live in Albuquerque?

17              MS. WISE: Um-hum.

18              THE COURT: You've got some pets, chickens,  
19       a big garden?

20              MS. WISE: Yes.

21              THE COURT: Who is going to take care of  
22       those for eight weeks?

23              MS. WISE: My neighbors came together and  
24       they were kind of like arguing over who was going to  
25       get to do what. So I've got it covered.

1 THE COURT: So you've got some good  
2 neighbors.

3 MS. WISE: I do.

4 THE COURT: Thank you, Ms. Wise.  
5 Appreciate it.

6 Mr. Medina, you're over from Hatch. We  
7 talked to you a little bit up here. Do you want to  
8 tell me what you do? You may have told me, but what  
9 do you do?

10 MR. MEDINA: I work for the New Mexico  
11 Department of Transportation.

12 THE COURT: And what do you do for them?

13 MR. MEDINA: Equipment operator,  
14 maintenance worker.

15 THE COURT: Your spouse's employer?

16 MR. MEDINA: My wife is a registered nurse.

17 THE COURT: I know you've had a back  
18 injury. You talked a little about that.

19 MR. MEDINA: Yes, sir.

20 THE COURT: You're able to stand, okay to  
21 sit? Okay to serve?

22 MR. MEDINA: Yeah, just walking hurts, and  
23 if I sit too long, also.

24 THE COURT: If you can stand at any point  
25 you want to, you'd be okay to serve from a health

1       standpoint?

2               MR. MEDINA:   Yes, sir.

3               THE COURT:   Dates of unavailability, you  
4       put N/A.   Are you okay to serve the next eight weeks?

5               MR. MEDINA:   Well, yeah, until I found out  
6       that they moved my workmen's comp hearing up to  
7       Thursday, this Thursday.

8               THE COURT:   Okay.   Let's talk a little bit  
9       about that.   If we were to help you call your  
10      attorney or that and rearrange it and --

11              MR. MEDINA:   Possibly, yes, sir, I could.

12              THE COURT:   You might be able to serve?   I  
13      want to ask you a question that I've asked some of  
14      the other jurors about, just make sure that this is  
15      the question.   "Do you think that being a gang  
16      member, they deserve what they get, even if it means  
17      being a victim of a crime?"

18              And you put yes.   Let me see if I  
19      understand, or if you want to tell me in your own  
20      words.   If it's established that the alleged victim  
21      is a gang member, do you think they deserve the same  
22      protections just as any other member, or are you  
23      going to say they don't deserve the protections  
24      because they're a gang member?

25              MR. MEDINA:   No, I'm not going to say that

1 they don't deserve protection. But I will say that  
2 if -- like, the way I was raised, my father was old  
3 school, so I had a tough bringing up, a lot of  
4 discipline. And his saying would be, pardon my  
5 French, but (speaking Spanish), which means, "Whoever  
6 is in the crap is going to come out with crap."

7 So you've got to surround yourself with  
8 good people and make the right decisions. That's the  
9 point I was trying to make.

10 THE COURT: Well, I certainly -- my dad  
11 didn't use that French, but --

12 MR. MEDINA: I apologize.

13 THE COURT: Over in Hobbs, they had a  
14 different way of putting it. But -- so I think some  
15 of us got the same advice from our dads, parents and  
16 other people. But we know that some people are gang  
17 members.

18 MR. MEDINA: Yes, sir.

19 THE COURT: And if it's established that  
20 they are, do you think you'd be able to treat those  
21 people as having the same protection of the law as  
22 anybody else?

23 MR. MEDINA: Yes, sir. I'm just saying  
24 it's a decision people make. Some of the decisions  
25 people make -- but I mean, it does not -- we all have

1 rights, so everybody deserves a fair trial, and it  
2 would not impede my ability to listen to the evidence  
3 and to come away with a proper verdict, however I  
4 feel the proper verdict would be.

5 THE COURT: Thank you, Mr. Medina.

6 Mr. Mott, you're down from Los Alamos.  
7 What brought you from Texas to New Mexico?

8 MR. MOTT: My grandchildren.

9 THE COURT: I can understand that. What do  
10 you do?

11 MR. MOTT: I'm retired.

12 THE COURT: What is Quorum Business  
13 Solutions? What is that?

14 MR. MOTT: It is a company that provides  
15 oil and gas accounting software.

16 THE COURT: And what did your spouse do  
17 before retirement?

18 MR. MOTT: She was a housewife, and then  
19 various and sundry jobs in doctors' offices and other  
20 businesses.

21 THE COURT: Any employer I would know or  
22 the jurors would know?

23 MR. MOTT: Probably not.

24 THE COURT: Okay. Talk about law  
25 enforcement. There's going to be law enforcement

1     testify. Are you going to automatically believe them  
2     because they're law enforcement?

3             MR. MOTT: No, sir.

4             THE COURT: You can treat them like any  
5     other witness in determining their credibility by  
6     watching their demeanor and how they testify and, if  
7     they're cross-examined, whether they're telling the  
8     truth?

9             MR. MOTT: Yes, sir.

10            THE COURT: Thank you, Mr. Mott.

11            Let me ask -- we've got some people from  
12     some smaller towns and things like that. Are there  
13     any members of the jury that know each other? You've  
14     been sitting there. Have you got to know each other?

15            All right. Ms. Lee, you're from  
16     Alamogordo. Thank you. What kind of real estate or  
17     Realtor are you? Commercial or residential?

18            MS. LEE: Residential qualifying broker.

19            THE COURT: What does your husband do?

20            MS. LEE: He's an electronic warfare  
21     engineer at the missile range.

22            THE COURT: What was your major field of  
23     study in college?

24            MS. LEE: Business technology.

25            THE COURT: Presumption of innocence. Can

1     you assume these men that are over here on your right  
2     to be innocent?

3             MS. LEE:   Innocent until proven guilty.

4             THE COURT:   And you could wait until you  
5     get back to that deliberation room, to the jury room,  
6     before you ever did anything with that presumption?  
7     You could keep that presumption throughout the trial?

8             MS. LEE:   Yes.

9             THE COURT:   And you're going to sit there  
10    and assume them to be innocent right now?

11            MS. LEE:   Yes.

12            THE COURT:   And not worry about how they  
13    got here, how this case got here?

14            MS. LEE:   I don't know anything, so yes.

15            THE COURT:   Thank you, Ms. Lee.

16            Ms. Solis, what brought you from Texas to  
17    New Mexico?

18            MS. SOLIS:   My job.

19            THE COURT:   And what do you do?

20            MS. SOLIS:   I work -- right now I'm working  
21    at NMSU, administrative assistant for the College of  
22    Business.

23            THE COURT:   All right.   And what -- oh, the  
24    Department of Business?

25            MS. SOLIS:   In the Department of Marketing



1 in the College of Business.

2 THE COURT: What did your spouse do before  
3 the separation or divorce?

4 MS. SOLIS: He was in retail.

5 THE COURT: And did he have an employer?

6 MS. SOLIS: He was between jobs all the  
7 time. Part of the reason why I'm here. I left.

8 THE COURT: What was your major field of  
9 study in college?

10 MS. SOLIS: I was getting into accounting.

11 THE COURT: Talk to me about how you're  
12 going to view law enforcement. Are you going to  
13 automatically believe them or be more likely to  
14 believe them because they say they're law  
15 enforcement?

16 MS. SOLIS: Again, I will listen to what  
17 they have to say.

18 THE COURT: All right. And are you going  
19 to believe them any more than any other witness? Are  
20 you going to use the same tools to determine whether  
21 they're credible?

22 MS. SOLIS: Same tools.

23 THE COURT: All right. What about the  
24 presumption of innocence? Can you give the Court and  
25 these gentlemen the assurance that you'll presume

1       them innocent and make the Government prove their  
2       charges beyond a reasonable doubt?

3               MS. SOLIS: Absolutely.

4               THE COURT: All the way through the trial  
5       until you get to the jury room to deliberate?

6               MS. SOLIS: Yes.

7               THE COURT: You put, "Every person has a  
8       right under the law to prove their innocence." Do  
9       you remember writing that on your form?

10              MS. SOLIS: That's correct.

11              THE COURT: Now, you heard me talking to  
12       some of the other jurors. Would you agree with me  
13       that these gentlemen don't have to prove their  
14       innocence?

15              MS. SOLIS: Yes.

16              THE COURT: It's the Government that has to  
17       prove, if they can, that they're guilty beyond a  
18       reasonable doubt; right?

19              MS. SOLIS: That's correct.

20              THE COURT: And can you give these  
21       gentlemen your assurance that you won't require these  
22       defendants to prove their innocence?

23              MS. SOLIS: Yes.

24              THE COURT: They have a right to testify,  
25       and they have a right to put on witnesses, and they

1 may do that and put on evidence. But if they don't,  
2 you won't hold that against them in any way?

3 MS. SOLIS: Not at all.

4 THE COURT: And you won't draw any adverse  
5 inference from it in any way?

6 MS. SOLIS: No.

7 THE COURT: And photographs. Could you  
8 give me your assurance that you'll look at them and  
9 consider them, the evidence in this case, all of it?

10 MS. SOLIS: I will.

11 THE COURT: All right. Thank you,  
12 Ms. Solis.

13 Mr. Niemeier, you're over from Carlsbad.  
14 Thank you. What brought you from Texas to New  
15 Mexico?

16 MR. NIEMEIER: Family originally in  
17 Carlsbad.

18 THE COURT: And what do you do?

19 MR. NIEMEIER: I'm an insurance agent and a  
20 retirement planner.

21 THE COURT: Do you have an employer?

22 MR. NIEMEIER: I'm self-employed.

23 THE COURT: What was your major field of  
24 study in college?

25 MR. NIEMEIER: Business.

1 THE COURT: What did your spouse do before  
2 the divorce?

3 MR. NIEMEIER: She worked in retail. That  
4 was 20 years ago.

5 THE COURT: What was her employer?

6 MR. NIEMEIER: Express Clothing Store.

7 THE COURT: Okay. On the question, "Would  
8 you be more likely to believe police officers," talk  
9 to me a little bit about the police officers, law  
10 enforcement that are going to come in and testify.  
11 Are you going to automatically believe them?

12 MR. NIEMEIER: I don't know if I'd  
13 automatically believe them, but as long as they have  
14 corroborating evidence, I would be likely to believe  
15 their testimony.

16 THE COURT: Can you treat them like any  
17 other witness? If they're cross-examined, if  
18 somebody shows that they're inaccurate or not telling  
19 the truth, do you think you'd be able to go ahead and  
20 say, "Well, even though that he or she is law  
21 enforcement, somebody has shown me that they're  
22 inconsistent, and might not be telling the truth or  
23 might be inaccurate"?

24 MR. NIEMEIER: I believe I can do that.

25 THE COURT: Let's talk about the burden of

1 proof in this case. Let me refresh my memory about  
2 the question. "Do you think if a person is brought  
3 to trial, there must be some truth to the charges?"

4 And you put, "Yes," but you also then put,  
5 "That is why beyond a reasonable doubt is so  
6 important."

7 Before we even get to the burden, let me  
8 talk to you a little bit about how we're getting  
9 here. Can you presume these gentlemen to be innocent  
10 at the beginning of the trial and throughout the  
11 trial and until you get back to that jury room --

12 MR. NIEMEIER: Yes.

13 THE COURT: -- to deliberate?

14 MR. NIEMEIER: Yes.

15 THE COURT: Okay. And -- all right. Thank  
16 you, Mr. Niemeier.

17 Ms. Griego, you're down from Santa Fe.  
18 Thank you. What is a respite care provider?

19 MS. GRIEGO: I work with seniors.

20 THE COURT: And what do you do there?

21 MS. GRIEGO: I provide respite for the  
22 caregivers.

23 THE COURT: Does the City of Santa Fe own  
24 that facility?

25 MS. GRIEGO: I'm in their homes.

1 THE COURT: And what does your spouse do?

2 MS. GRIEGO: He's in construction.

3 THE COURT: All right. Does he have an  
4 employer?

5 MS. GRIEGO: Yes.

6 THE COURT: About police officers and law  
7 enforcement that are going to come testify, are you  
8 going to automatically believe them or be more likely  
9 to believe them than other witnesses in the case?

10 MS. GRIEGO: No.

11 THE COURT: Do you think you could treat  
12 them, as far as credibility, the same way you do  
13 other witnesses?

14 MS. GRIEGO: Yes.

15 THE COURT: And listen to the  
16 cross-examination and other evidence and watch their  
17 demeanor and make a decision before you believe them  
18 or not?

19 MS. GRIEGO: Yes.

20 THE COURT: Talk to me about the  
21 presumption of innocence. Could you give these men  
22 and the Court the assurance that you'll presume them  
23 innocent throughout the entire trial until you go  
24 back to that jury room to deliberate?

25 MS. GRIEGO: Yes.

1 THE COURT: And you won't worry about how  
2 we got here, or why we're here until you get back  
3 there?

4 MS. GRIEGO: No.

5 THE COURT: And you put on your jury form,  
6 "I think needs to be able to testify." Certainly if  
7 the defendants want to testify, they'll have that  
8 right. That's guaranteed to them, as well. But if  
9 they decide not to testify or put on any evidence,  
10 can you assure them and the Court that you'll not  
11 draw any inference from it?

12 MS. GRIEGO: Yes.

13 THE COURT: And you won't hold that against  
14 them in any way?

15 MS. GRIEGO: Yes.

16 THE COURT: Photographs, evidence. Can you  
17 assure me that you'll look at it and consider it?

18 MS. GRIEGO: Yes.

19 THE COURT: And then after you look at it  
20 and consider it, you won't get emotional, you'll just  
21 be fair and impartial to the parties here?

22 MS. GRIEGO: I will try.

23 THE COURT: Healthwise, are you okay to  
24 serve?

25 MS. GRIEGO: I'm a diabetic on insulin.

1 THE COURT: If we can take care of you,  
2 make sure you get what you need to keep your sugar  
3 levels okay, do you think you'd be able to serve?

4 MS. GRIEGO: I will try.

5 THE COURT: Tattoos. I know you said you  
6 didn't care for them, but there's going to be  
7 probably some pictures of people wearing tattoos.  
8 Can you be fair and impartial to the people --

9 MS. GRIEGO: Yes.

10 THE COURT: -- who have tattoos? I know  
11 Las Cruces is a long way from Santa Fe, and you've  
12 got a job. Do you think you'd be okay to serve?

13 MS. GRIEGO: Well, I don't drive  
14 long-distance, so my husband had to bring me down.

15 THE COURT: If you were selected, what  
16 would be your plan?

17 MS. GRIEGO: I don't know.

18 THE COURT: Would it be likely that  
19 somebody would drive you here, and then you'd get to  
20 the courthouse, and then you go back on the weekends,  
21 somebody pick you up?

22 MS. GRIEGO: I'm not sure.

23 THE COURT: Not sure. Okay. Thank you,  
24 Ms. Griego.

25 MS. GRIEGO: All right.



1 THE COURT: Ms. Beavers. You may be our  
2 last one tonight. You're from Alamogordo. Thank  
3 you. What do you do?

4 MS. BEAVERS: I work for New Mexico State  
5 University, the branch in Alamogordo.

6 THE COURT: And are you in a particular  
7 department there?

8 MS. BEAVERS: I work for the vice president  
9 for academic affairs. I work in the office, catalog,  
10 curriculum, schedule, recertifications.

11 THE COURT: You've been represented by an  
12 attorney in the past. What was that in connection  
13 with?

14 MS. BEAVERS: I actually don't remember  
15 that.

16 THE COURT: Dates of unavailability, you  
17 put "unknown at this time." How are we doing now  
18 that we're in the courtroom? Are you okay?

19 MS. BEAVERS: Other than, you know,  
20 standard work deadlines, but probably no more or less  
21 than everyone else has.

22 THE COURT: So if you were selected, you'd  
23 be able to serve?

24 MS. BEAVERS: Yes.

25 THE COURT: Any evidence, pictures or

1 something like that -- could you assure the Court  
2 that you would look at them and consider them?

3 MS. BEAVERS: Yes.

4 THE COURT: All right. And I know you have  
5 concerns about an eight-week trial, but you'd be able  
6 to serve if you were selected?

7 MS. BEAVERS: Yes.

8 THE COURT: All right. Thank you,  
9 Ms. Beavers.

10 Let me get one more tonight and then we'll  
11 stop.

12 Ms. Cardenas, let me do you. You're from  
13 Deming. Thank you. What does your spouse do?

14 MS. CARDENAS: He's a supervisor for a  
15 drilling company for environmental work.

16 THE COURT: All right. What kind of  
17 drilling is it?

18 MS. CARDENAS: Contamination,  
19 environmental.

20 THE COURT: You put dates of unavailability  
21 June 25 through July 4. We're going to be done by  
22 then. Are you okay to serve over the next eight  
23 weeks?

24 MS. CARDENAS: Yes.

25 THE COURT: Police officers, law

1 enforcement. Are you going to be more likely to  
2 believe them, or are you going to take them one at a  
3 time and watch them and listen to them before you  
4 make a determination whether they're believable?

5 MS. CARDENAS: No, I can be fair.

6 THE COURT: You think you can just make  
7 determinations one by one?

8 MS. CARDENAS: Yes.

9 THE COURT: Presumption of innocence. Can  
10 you assure these gentlemen and the Court that you'll  
11 presume them innocent until you get back to the jury  
12 room to deliberate, and you won't worry about how the  
13 case got here?

14 MS. CARDENAS: Yes.

15 THE COURT: And you know that they don't  
16 have to testify or put on any witnesses; correct?

17 MS. CARDENAS: Correct.

18 THE COURT: And you won't hold that against  
19 them if they make a decision not to do that?

20 MS. CARDENAS: No.

21 THE COURT: And you won't draw any  
22 inference from their not putting on any witnesses?

23 MS. CARDENAS: No.

24 THE COURT: All right. Thank you,  
25 Ms. Cardenas.

1 All right, let's pause there for the  
2 evening. We've worked hard. I know we got started a  
3 little bit late.

4 Let me talk to you a little bit about --  
5 since we're breaking for the evening. This will be  
6 our first break for the evening. I'm going to remind  
7 you of a few things that are especially important.

8 Until the trial is completed, you're not to  
9 discuss this case with anyone, whether it's members  
10 of your family, people involved in the trial, or  
11 anyone else. And that includes your fellow jurors.  
12 So if y'all are staying at the same hotel or  
13 something like that, please talk about something  
14 else. Don't talk about this trial.

15 If anyone approaches you -- there's a lot  
16 of people here -- and tries to discuss the trial with  
17 you, please let me know immediately. Also, you must  
18 not read or listen to any news reports of the trial.  
19 Again, don't get out of here and do any research for  
20 purposes of this case on the internet or anywhere  
21 else.

22 And finally, remember that you must not  
23 talk about anything with any person who is involved  
24 in the trial, even if it doesn't have anything to do  
25 with the trial. So a lot of people are going to be

1 leaving the courtroom together. Let's just not talk  
2 to the people sitting at these tables at all.

3 If you need to speak with me, give a note  
4 to one of the court security officers or to Ms. Bevel  
5 or to Ms. Wild.

6 I may drop off saying these tomorrow. I  
7 may start off in the day saying them. But if I don't  
8 say them, do keep them in mind.

9 Ms. Wild, should they just gather outside  
10 the courtroom at 8:30?

11 THE CLERK: Yes.

12 THE COURT: Please don't go back to Jal or  
13 Hobbs or anything like that. Enjoy a nice overnight  
14 stay in Las Cruces. I've been down here a lot over  
15 my career. There are some great restaurants. And  
16 just enjoy it. And do come back. I'll meet you  
17 outside the courtroom. Ms. Bevel and Ms. Wild will  
18 meet you outside. So don't come in until we come out  
19 and get you. But try to be on time, through security  
20 and everything, out there at 8:30.

21 I've got a little bit more questioning I'm  
22 going to do like we're doing here, and then I'm going  
23 to turn you over to the attorneys to let them ask  
24 some questions.

25 Let me thank you for what you've done for

1 us. I know you're probably going to think I say this  
2 all the time because you think I'm obligated to, but  
3 I get good feelings about the people in this room and  
4 that you're good folks, and you're good citizens, and  
5 I appreciate the way you've been very open with us,  
6 the way you've been patient with us, and done what  
7 we've asked you to do. So I thank you a lot.

8 I hope you have a good evening. If you're  
9 traveling, be safe. We'll see you at 8:30 in the  
10 morning.

11 (The venire panel left the courtroom.)

12 THE COURT: All right. I appreciate  
13 everybody's hard work. I know that it was a little  
14 bit rough getting started here in the morning, but I  
15 appreciate your hard work. And I'll be turning it  
16 over to y'all pretty soon in the morning, so y'all  
17 have a good evening. See y'all tomorrow.

18 (The Court stood in recess.)  
19  
20  
21  
22  
23  
24  
25

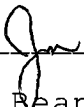
1 UNITED STATES OF AMERICA

2 STATE OF NEW MEXICO

3  
4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,  
6 Official Court Reporter for the State of New Mexico,  
7 do hereby certify that the foregoing pages constitute  
8 a true transcript of proceedings had before the said  
9 Court, held in the District of New Mexico, in the  
10 matter therein stated.

11 In testimony whereof, I have hereunto set my  
12 hand on this 16th day of July, 2018.

13  
14   
15 Jennifer Bean, FAPR, RMR-RDR-CCR  
16 Certified Realtime Reporter  
17 United States Court Reporter  
18 NM Certified Court Reporter #94  
19 333 Lomas, Northwest  
20 Albuquerque, New Mexico 87102  
21 Phone: (505) 348-2283  
22 Fax: (505) 843-9492  
23 License expires: 12/31/18  
24  
25

SANTA FE OFFICE  
119 East Marcy, Suite 110  
Santa Fe, NM 87501  
(505) 989-4949  
FAX (505) 843-9492



MAIN OFFICE  
201 Third NW, Suite 1630  
Albuquerque, NM 87102  
(505) 843-9494  
FAX (505) 843-9492  
1-800-669-9492  
e-mail: info@litsupport.com